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THE INTERNATIONAL JOURNAL OF ETHICS

A Quarterly Devoted to the Advancement of Ethical Knowledge and Practice

Vol. XXXIV JULY 1924 No. 4

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THE INTERNATIONAL JOURNAL of ETHICS

A Quarterly Devoted to the Advancement of Ethical Knowledge and Practice

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THE INTERNATIONAL JOURNAL OF ETHICS

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THE EMERGENCE OF NATURALISM[1]

ROY WOOD SELLARS

It has been suggested by a witty writer that every system of philosophy ought to account for its own appearance. This seems to me an excellent suggestion. Following it out, I have asked myself how I would account for the appearance of naturalism.

There are clearly two ways of approach to this interesting problem, the historical and the analytic. The first asks questions like the following: Under what conditions has naturalism emerged? Has it ever appeared only to disappear again? Is naturalism growing in strength today? To what factors does it seem to owe its growth? The analytic way of approach concerns itself with the fundamental ideas underlying naturalism, its contrast with supernaturalism, and its relation to the world as known. Any systematic study of the appearance of naturalism would involve both these ways of approach. What I can offer, however, is only of the nature of a sketch in which both points of view will be implicated. The struggle between naturalism and supernaturalism seems to me the most thrilling of the deeper movements of the human mind. To glance at it from its vague beginning to its sharper formulation in our own day, to note the opposed principles involved—all this is in the highest degree fascinating.

Both naturalism and supernaturalism have taken many shapes. On the whole, naturalism has been blunter and less

[1] Presidential address given at the April meeting of the Western division of the American Philosophical Association, 1924.

subtle than supernaturalism. From the dialectical side this has been a weakness. It has exposed it to the attacks of its subtle opponent. During the nineteenth century particularly, idealism was so largely in alliance with supernaturalism, or was used by supernaturalism to such an extent, that to many the cause of naturalism seemed lost. But during the last two decades many surprises have occurred in philosophy. The growth of pragmatism and realism has altered the situation to an amazing degree. A subtler or, as I would prefer to phrase it, a more adequate type of naturalism has at last arisen. I do not think that it would be erroneous to speak of Dewey as a naturalist. In their own fashions, Santayana, Russell, Lloyd Morgan, and Alexander are likewise naturalists. And in his own way, Bosanquet, though an idealist, came very near to naturalism. If we picture the struggle between naturalism and supernaturalism as a wrestling match between two antagonists, it is clear that naturalism is slowly breaking its opponent's grip. But is this the third fall? Who can say?

Naturalism has in the past awakened many moods and will continue so to do in the future. There is the mood of defiance, the mood of despair, the mood of mystic exaltation, and, lastly, the mood of sober acknowledgment. Why this variety of attitudes? Ultimately, I suppose, because man has not yet had time to become adjusted to his world.

But, you may say, is not that curious? If man is a part of the world, how can he help being adjusted to it? The reply is, I think, simple. Man is a plastic organism; he is a conscious creature with changing desires and fluid capacities. His adjustment to the world is not mechanical but a matter of interpretation. He possesses no innate knowledge of the world and therefore no preformed adjustment to it. By inheritance he does not know what to expect, what to hope, what to fear. He must learn by experience; and, at first, he is almost as apt to learn wrongly as rightly. As a matter of historical fact he has always learned both rightly and wrongly

at the same time. Even his arts and crafts have had a background of myth. We could not expect man to hold his mind open about difficult things like life and death, the origin of the world, the sanctions of good and evil. Ideas about all these things grew up in his mind by the use of analogy. He interpreted the world in terms of his own life. He did this inevitably and did not at first realize what he was doing.

Let me supply an analogy. An older generation finds it hard to assimilate new ideas. They conflict with the interpretations which these men and women have cherished. Hence they seem to challenge the very rationality of the world. What! can the earth be round! What! can the blood circulate! What! can species originate through natural changes! And so on through a list of revolutionary changes and exclamations. And the adjustment takes place with the younger generation to the extent that the old do not indoctrinate it with their prejudices and emotional demands. To the educated people of today biological evolutionism is a matter of course. They see nothing in it that is surprising or disheartening. And we are told by physicists that relativity will become a natural outlook to the students of the next generation, that they will not find it as disconcerting and baffling as the majority of people find it now, the difference being that our minds are set in old forms and it is hard to create new ones.

These adjustments are made more easily and quickly by some than by others. Those who make them often find it difficult to appreciate the emotional turmoil which their outlook awakens in people wedded to other views. How unnecessary all this excitement is, they feel. And yet one of the most tragic features of history has been this struggle between different religions and different moralities. Man's world is for him the world as he understands it, and though his understanding be largely false, it is this idea of his which dominates his life. It is held fiercely or tenderly but, unless skepticism has entered to undermine it, firmly.

Words are often used very conventionally. Thus, anyone who accepts naturalism and does not seem frightened by the outlook which it involves is designated a Stoic. But to such a one there is nothing stoic in his attitude. To him it seems just rationality and sanity. I am an organism of such a nature, capable of such and such enjoyments and activities in established concourse with other intelligent organisms. There was birth and childhood, the fervor and uncertainties of adolescence, the work of manhood, the discipline of thought and action, the gradually increasing wisdom and serenity of middle life. Self-knowledge has grown with knowledge of the world. And so I look out upon life as spectator and as agent with some sense of what it all is like. Fairy stories and myths are delightful in their *genre* because they can be appreciated without being believed in. But the real world is definite, though full of adventure. What of stoicism is there in such an outlook? He who calls it stoicism is guilty of a fallacy. He reads into it the emotional tension which the idea of such an outlook awakens in him. But we must remember that he has not yet made the adjustment. He can understand the outlook, but he inevitably attaches to it his own reaction. "How lonely and unsatisfying such a world!" is his thought. "By no means," we must reply. "It is quite a matter-of-fact world in certain respects and quite thrilling in others. Simply, the expectations and demands which occupy so large a part in the thought of non-naturalists have vanished. Usually something pretty positive has taken their place, an interest in social affairs, in art, in science, in speculative reflection."

Now, in a period of transition like our own, the contrast between the old view of the world and of man's life and the new which is forming is necessarily sharp. People gulp as they cross the line between them. The naturalist feels, perhaps, heroic or dramatic; the supernaturalist shudders at the picture he draws of a world not dominated from on high by human values. Conditions are obviously favorable to rhetoric and sentimental-

ism, to unstable and overtense attitudes. The atmosphere is much like that which this generation has felt during and for several years after the war. How few people one met who could think straight and see the many angles to all the questions! Well, when it is a matter of world-outlook and philosophy of life how few there are who have to any extent rationalized their life and calmed down!

But it is with the emergence of naturalism that I wish to concern myself. Naturalism is itself a quality or outlook which has emerged during man's history and is thus an instance of that novelty which evolution brings and which thought must recognize. At first hesitating and vague, it has grown in clearness and assurance with the centuries. How irrecoverable for us is the world of primitive man! We can have some measure of hard-won knowledge about it, gleaned by careful research and delicate inference, but as for acquaintance with it, that is gone forever. We know that early man respected and almost envied the animals with their speed and strength. He recognized no such boundary between himself and them as later arose to consciousness. Animal totems, animal gods, animal masks—all these signify a stage of immersion in the animal world which it is hard for us to realize. And his world must have been one largely of perception and of perceptual thinking, of habit and shifting emotion. And after this came magic and ritual and dim beliefs of survival and growing craftsmanship. Mana, tabu, magic, invisible agencies, shadowy presences in times of emotion, terror, hope, rejoicing, the shrewdness of everyday life, emotional instability—such terms give us pictures and responses which remove from us the world of law and measurement which science has built up. By an effort we drop back into a dimmer, less closely knit world. And after this came the settled tribe, the stage of agriculture, the city, commerce, nations, arts, the beginnings of civilization. With organized society emerged new ideas, new methods, new standards. It is this coming of new activities

and outlooks which I wish to stress. Ideas struggled with ideas; against a world of mysterious agencies was here and there set a world of order—a realm of nature and natural happenings.

Naturalism is unthinkable apart from reflection. Its dawn demanded conditions which were late in arriving. Why this is so we shall see later in detail. But it is surely obvious that naturalism implies the idea of nature as a realm of definite order and a rejection of the tendency to people the world with invisible agents like unto man. It involves an insight into events, a strong suspicion of the systematic and quasi-mechanical linkage of all changes, an appreciation of the conditions and nature of human behavior. Such an outlook could arrive only gradually; and is scarcely thinkable apart from science.

Inevitably, much of past naturalism was more a prophecy than a fulfilment. It was mixed with other elements, not yet rejected, and was a direction and emphasis rather than a perfected growth. And we must remember that man's mind works freely and critically only under favorable conditions; and such conditions have seldom long endured in the past. There is something tragic in the thought how easily the favorable conditions vanish; an exhausting war, a prolonged economic crisis, invasion, and something of the fine edge of social and mental energy is lost. There is social devolution as well as social evolution.

In the far-off days of primitive man there was neither naturalism nor supernaturalism as we understand these terms. The first stage was that of ignorance. Workers in Greek religion and anthropology have adopted the expressive German word, "Urdummheit," which Gilbert Murray translates as "primal stupidity." Let us try to appreciate the situation in which primitive man found himself. He was ignorant, imaginative, and helpless. The world was an enigma read in terms of his hopes, fears, and imaginings. Some hold that

the gods were, at first, the collective desires personified in a vague way and given a name.

> The extraordinary security of our modern life in times of peace makes it hard for us to realize, except by a definite effort of the imagination, the constant precariousness, the frightful proximity of death, that was usual in these weak ancient communities. They were in fear of wild beasts; they were helpless against floods, helpless against pestilences. Their food depended on the crops of one tiny plot of ground; and if the Savior was not reborn with the spring, they slowly and miserably died.[1]

What wonder that ritual, myth, and magic flourished in such a setting!

The theory of evolution has given tremendous significance to history, for we can now understand its dramatic import. It is the story of man's struggle upward from impotence and ignorance to the semi-mastery which is now within his reach. And to the Western mind nothing is more thrilling than the rise of Greek civilization, the brilliant first conquest of life by intelligence. Though it was thwarted and never came to completion, there is in it a prophecy of what we moderns may do, what we should do.

There were two closely related currents of liberation in the movement of Greek civilization—religious and moral reform on the one hand, and the rise of science and philosophy on the other hand. Though we separate them thus for the sake of presentation, it was the one factor of human intelligence which was manifesting itself in both.

The Olympian conquest, which reached its culmination in the fifth century, represents a change of spirit and outlook, an emancipation from the "Urdummheit." "The Hellenic race," writes Herodotus, "was marked off from the barbarian as more intelligent and more emancipated from silly nonsense." There are distinguishable in this current of reform three main elements: the moral expurgation of the old magico-religious rites having to do with food supply and child supply, the

[1] Gilbert Murray, *Four Stages of Greek Religion*, p. 49.

introduction of more intellectual order in religion, and the development of the cult of the city.

Greece had its prophets in the seventh century, those of the shrine at Delphi. The religion of Apollo, there established, blossomed out into a spiritual attitude of surpassing charm.

> Its good tidings were very simple; so simple indeed and so sensible that only a Greek oracle would have dared proclaim them—the duty of self-control. They are summed up in two sayings of two words each: *Know yourself* and *Be moderate*. . . . . But how can I be moderate while men rage furiously around me? asks the worshipper. "By gentleness," replied the god, using a word which does not bear translation, "by controlling your temper, by thinking good of men and not evil, by cultivating thoughts and habits of mind which 'save' instead of those that excite and corrode." For this is the meaning of that gentleness or self-control which henceforth ranked as one of the cardinal marks of the Greek spirit.[1]

This moral and religious reformation was gradually extended by reflection. And the awakened Greek mind began to seek to understand the nature of things. The idea of nature as an orderly realm of events was born. What place was left for the agency of gods and spirits is not always clear. Nature was crystallizing out from the vague background of primitive beliefs. This movement came to a head in the materialistic systems of Democritus and Epicurus. And something of the same outlook is revealed in the position of Aristotle. Yet the philosophy of Plato and Aristotle was so constructed as to make less obvious the break between naturalism and supernaturalism. Had this not been so, neo-Platonism and medieval Aristotelianism could not have found a support in it. The dualism between form and matter, idea and appearance, lent itself to manipulation. But Aristotle's cold theism did not arouse enthusiasm, and his successors tended to lapse into naturalism.

Greek healthy-mindedness did not long last. The great writers and artists and thinkers were products of the free

[1] Zimmern, *The Greek Commonwealth*, p. 120.

city-state; and when this declined and was overwhelmed by outside forces, the buoyant, creative life of the classic period disappeared. Bit by bit there came what Murray calls the "failure of nerve." These little oases of human daring and confidence were overshadowed by a cloud, for the high hopes of the fifth century were seen to be impossible of realization. Something of the energy of life was lost. They had gone far, but the limits of their achievement were in sight.

There are two stages of this failure of nerve. In the first, reason retains her prestige, but the drive of social creativeness is lacking. In the second, even confidence in reason is lost. The new quality of life is hard to describe.

> It is a rise of asceticism, of mysticism, in a sense, of pessimism; a loss of self-confidence, of hope in this life *and of faith in normal human effort;* a despair of patient inquiry, a cry for infallible revelation; an indifference to the welfare of the state; a conversion of the soul to God. It is an atmosphere in which the aim of the good man is not so much to live justly, to help the society to which he belongs and enjoy the esteem of his fellow creatures; but rather, by means of a burning faith, by contempt for the world and its standards, by ecstasy, suffering, and martyrdom, to be granted pardon for his unspeakable unworthiness, his immeasurable sins.[1]

Man wandered long in the night of this loss of sanity. We shall have more to say of its causes when we come to examine this second stage which lasted until near the time of the Renaissance.

Epicureanism is a naturalistic philosophy of the first stage of social decline. Much injustice has been done it by popular tradition which identified it with gross pleasure-seeking. Just because it was naturalistic in its outlook, it was heartily disliked by many groups.

Seneca, a Stoic and no admirer of Epicureanism, writes:

> When the stranger comes to the garden on which the words are inscribed, "Friend, here it will be well for thee to abide; here pleasure is the highest good," he will find the keeper of that garden a kindly, hospitable man, who will set before him a dish of barley porridge and

[1] Gilbert Murray, *op. cit.*

water in plenty, and say, "Hast thou not been well entertained? These gardens do not whet hunger, but quench it; they do not cause a greater thirst by the very drinks they afford, but soothe it by a remedy which is natural and costs nothing. In pleasure like this I have grown old."

Pleasure was for the brotherhood of the garden, the absence of pain, tranquillity, serenity. It would seem that the Epicurean ideal was a simple life in which the needs of the body were recognized but not stimulated, and this equable life was supplemented by the calm joys of friendship and of the mind. There seems to have been something very kindly, modest, and unaffected about the life of Epicurus and his followers.

Why, then, has Epicureanism been so much maligned? Chiefly because of ignorance and prejudice. We must remember that the Epicurean held himself apart from the general life of society and that he disbelieved in Providence and miracles. He was a rationalist and a naturalist who took pride in the fact that he had conquered ignominious fears and ungrounded hopes. Such an attitude has never been popular; and the hedonism, correlated with it, gave opportunity for gossip. Must not hedonism mean the mad pursuit of sensual pleasures? Let us remember the saying of Aristotle that men take their notions of happiness from the lives actually lived around them. And the majority who have not thought out a theory of conduct for themselves, but have simply submitted to a code because of supernatural sanctions, feel that they would give themselves up to profligacy if they did not believe in immortality. Probably many of them would not do this or else do it for a short while only until they discovered the natural sanctions of conduct. But because they have not thought these things out for themselves and have held to rigoristic standards by the sheer pressure of supernatural and social authority, they cannot understand free or rationally chosen morality. Luther said:

If you believe in no future life, I would not give a mushroom for your God. Do then as you like. For, if no God, then no devil, no hell.

As with a fallen tree, all is over when you die. Then plunge in lechery, rascality, robbery, and murder.

And Massilon, the French preacher, wrote as follows:

If we wholly perish with the body, the maxims of charity, patience and justice, honor, gratitude and friendship are but empty words. Our passions shall decide our duty. If retribution terminate with the grave, morality is a mere chimera, a bugbear of human invention.

Probably the very setting of morality which supernaturalism stressed obscured for these men its natural sanctions. But is it difficult to understand why Epicureanism was disliked and maligned?

While naturalism and hedonism have often been associated, this association is not a necessary one; what is necessary is the connection of human values with human interests and satisfactions. Hedonism is a form which humanism easily takes during a period in which social endeavor is repressed and the individual driven back on himself. There is sufficient in hedonism to give it a strong appeal to those who have broken free from customary methods and standards. It presents itself as an obvious contrast to authoritarian or traditionalistic morality. "But why should I do these things and lead that sort of a life?" it is asked. "These activities do not interest me, do not give me pleasure; on what ground are they to be thrust upon me as duties?" The naturalist is a rationalist and a critic of traditional forms. And we must remember that the Greek city with its appeal to civic pride and loyalty had seen its best days long before Epicurus. The individual was thrown back upon his own resources. He was obliged to make the best of a rather depressing situation. A few quotations from a letter written by Epicurus to a friend will reveal to us the temper of the movement. The tone is reflective and quietistic. There is no thought of social progress. No horizons of intellectual achievement beckon this group on. We must remember that the Ancients did not possess the idea of progress. The limitations of the movement were, then, limitations of the time. He writes:

Accustom thyself to the belief that death is nothing to us, for good and evil are only where they are felt, and death is the absence of all feeling: therefore a right understanding that death is nothing to us makes enjoyable the mortality of life, not by adding to years an illimitable time, but by taking away the yearning after immortality . . . . and since pleasure is our first and native good, for that reason we do not choose every pleasure whatsoever, but ofttimes pass over many pleasures when a greater annoyance ensues from them. And ofttimes we consider pains superior to pleasures, and submit to the pain for a long time, when it is attended for us with a greater pleasure. All pleasure, therefore, because of its kinship with our nature, is a good, but it is not in all cases our choice, even as every pain is an evil, though pain is not always, and in every case, to be shunned. It is, however, by measuring one against another, and by looking at the conveniences and inconveniences, that all these things must be judged. . . . . When we say, then, that pleasure is the end and aim, we do not mean the pleasures of the prodigal, or the pleasures of sensuality, as we are understood by some who are either ignorant and prejudiced for other views, or inclined to misinterpret our statements. By pleasure we mean the absence of pain in the body and trouble in the soul. . . . . It is sober reasoning searching out the reasons for every choice and avoidance, and banishing those *beliefs* through which the greatest tumults take possession of the soul.

It has been quite generally remarked that all the later schools of philosophy sought a similar peace, though in somewhat different ways. The Epicurean was the only frankly naturalistic school. Wise conduct needed no cosmic sanctions. The Stoic still postulated a world-reason, in some sense, the standard for his rule of life. The Epicurean maintained that the intrinsic character of experience gave the clue to reason as to what is desirable and what undesirable.

We have said little of the cosmology of Epicureanism because it has not been our purpose to present the details of the system. As is well known, Epicurus was not so much an originator as a man of strong personality, who took over the views of others and gave them prestige. It is Democritus to whom we must give credit for the world-view thus pushed to the front. Such changes as were introduced by Epicurus were not improvements. Mechanical atomism was an hypothesis developed to

account for certain characteristics of our world, the changes which things undergo—birth and death, growth and disintegration, the spread of heat and cold. The very generality of the characteristics to be accounted for made the hypothesis itself general. It is sometimes said that ancient atomism was founded on mere speculation. Such a statement is misleading. It was as much founded on that co-operation of experience and reason which leads to theories as are the hypotheses of modern science. The difference is this, the data used were not specific enough. It required the accumulation of chemical and physical knowledge and the rise of the whole technique of experimentation, measurement, and mathematics before the specific atomic ideas of the present could arise. Reason cannot work apart from data; for these give guidance and content. It was inevitable, therefore, that this first sketch of the cosmos should be crude and inadequate, while yet true in its intention and point of approach. We must not look to ancient atomism for a solution of such problems as those of chemical change, the nature of living bodies, the relation between mind and body, the evolution of solar systems. It could but say that there must be integration and disintegration. The specific knowledge which guides our minds did not exist. And yet the spirit of rational exploration was there and, with it, a daring in interpretation which must always awaken our admiration.

The soul was for Epicurus a complex of atoms which disintegrated at death when no longer held together by the fleshly wrapping of the body. Buffeted by the winds, it soon dissolved in the air like mist or smoke. Here, again, we have an ancient conception which had long endured side by side with other views. Man is a part of nature. He comes to birth like the plants and like other animals, and after his little span of life disappears. We find the recognition of this fact in the Old Testament as well as in Homer. And the popular poem of Omar Khayyam draws the same analogy:

> The flower that once has bloomed forever dies.

But how different this soul is from the integrated complex of neuronic systems which modern naturalism is beginning to identify with the soul! We realize, again, how tentative and external was his knowledge of the organism. Even to-day, despite the tireless investigation of biologists, neurologists, physiologists, and psychologists, how little is known of the working of the central nervous system! And yet death and what it involves is one of the oldest facts in human experience. Details will enable us to understand this stupendous event, but will not alter its import.

And so I could go on into other parts of this ancient naturalism pointing out technical inadequacies. And yet the central and admirable feature remains—a clear-eyed, courageous choice of a rational view of things, seen only in part, and yet felt to underlie the vast procession of nature.

Why, then, did Epicureanism have so little effect upon the ancient world? That it had many followers during several centuries is well attested by inscriptions. And it was not only men like Lucretius and Pliny and Horace who were influenced by it. It spread to the lowest strata of the population, for we find such epitaphs as "We are mortal; we are not immortal." "I was not, I was; I am not; I do not care." Why, then, did it die out? Because the world was not yet ready for naturalism. It died out for the same reason that Aristotelianism, which had taken practically the same stand, fell on evil days until, by a forced exegesis, it was pressed into the service of Catholic theology. In short, it could not resist the wave of mysticism and salvationism which swept over the Graeco-Roman world after the first century of our era.

The classic religions of Greece and Rome had been state and social religions, more concerned with the preservation of society than with the fate of the individual. Personal and family rites there were which aimed at the peace and well-being of the shade of the departed. But the future life had in it little to fascinate and intrigue the living. It is generally

admitted by scholars that the situation was much the same for the Hebrews during the same period. But while this unattractive view of after-life was dominant, there gradually arose and increased a more positive and attractive doctrine concerning the next world. Immortality could be won by certain rites known to initiates. These rites often carry us back to savagery, to the eating of the totem animal, to magical words and anointments. While there were elements of this sort to be found in Greece, the main current of such ideas and ritual came from the Orient. The theory underlying the winning of immortality was, in the main, contact with the gods whose gift of immortality was only for initiates. Into the details of this development we cannot here enter. Suffice it to point out that this vitalizing contact of the individual soul with divinity was won by eating the flesh of the incarnate God or partaking of food which had magical affinity with the God. There can be no doubt that the Christian sacrament had its roots in these ideas, just as the use of oils and unguents in the ritual of the church rested on widespread beliefs in the magical efficacy of such substances which had long been used in the thermae and temples. Perhaps the use of ointments to preserve the body in embalming aided in the rise of these beliefs. This movement was next raised to a higher level by astrology and gnosticism. The heavenly gods and goddesses were more distant and less anthropomorphic. The contact with them must come through the spirit.

> Virtue from on high entered into the neophyte and transformed him into a being like the divinities of heaven. He was glorified as a conqueror who had triumphed over demons and smitten down death; he was illuminated and penetrated by a supernatural light which disclosed to him all truth; he was sanctified and acquired unfailing virtue; he was exalted, that is to say his soul rose in rapture to the stars. Glory, splendour, light, purity, knowledge: all these ideas were confounded until they became almost synonymous and together denoted the transfiguration which was undergone by the soul called to rise to ethereal regions, even on this earth and while still joined to the body.[1]

[1] Cumont, *After Life in Roman Paganism*, p. 123. This is a fascinating and authoritative book which should be read.

In the later Empire this movement had swept the older religion aside and become dominant. And those philosophies which had a mystical strain in them, such as Platonism, Stoicism, and Pythagoreanism, made their adjustments.

How far we are from the gospel of Epicurus and Lucretius! Death has no terror for the gnostic and the initiate, for, in the after-life, he will live in some celestial orb a life of peace and contentment rid of the evil and corruption of the body. Christianity was the culmination and victory of this oriental movement. Fortunately, it contained also a strong ethical strain which it had inherited from its social origins. Its victory was succeeded by the overthrow of the Empire by the northern barbarians and the intellectual darkness of the first part of the Middle Ages. But we need not bewail this overthrow, though it involved losses. The human reason was temporarily exhausted.

It is, I think, easy now to answer our question why rationalistic naturalism fell by the wayside. And may I in this connection call attention to the unjustifiableness of the statement, so often made, that truth will win out just because it is truth? Such a belief assumes that truth is an external force which somehow has the power to press itself upon complex man and hold him in its grip. But such a belief is pure mythology. Truth is but another term for knowledge, and knowledge has its conditions which are severe and seldom realized. Even if men desire the truth—an attitude which expresses a high degree of culture—they must possess the proper technique for its attainment. In short, error is far easier than truth. Men want what they value and value what they want, and truth is, at the best, only one of these things.

Only for a brief time, then, were social conditions and the state of men's minds favorable to free inquiry and to a naturalistic humanism. The Greek intellect had its short period of bloom in the free city-state and proved what it could accomplish in the way of daring analysis. But this period was all

too brief. Even with Plato we find seeds of decay. Naturalism could not fight free and maintain itself. It was an anticipation and prophecy rather than an achievement. The knowledge on which it built was too thin and personal and with too little social prestige. The possibilities and temptations of supernaturalism loomed too great. Reason became the servant of emotion and imagination.

The emotional attractiveness of a positive belief in a desirable type of immortality was reinforced by the loneliness of the Roman Empire, which had become an immense bureaucracy crushing out initiative. It will always be hard for us to determine just how far later Roman life lacked intrinsic attractiveness. There is danger, I think, of exaggeration in Renan's theory that the thirst for immortality arose out of the unsatisfactoriness of everyday life. That there was pessimism abroad, and some measure of justification for it, need not be doubted. But pessimism is recurrent, and there is always sufficient ground for a portion of it. The fact is that the more intense religiosity of the Empire was not balanced by detailed knowledge of the world and control over it such as we possess.

The recovery from the dominantly theological interpretation of the world was slow. How definite and vivid a world that was is not always clearly enough realized, so gradual, after all, has been its disappearance from the minds of men. It has faded away and become dimmer, while not entirely absent, as in motion pictures the old scene is sometimes left and new events projected upon it. Anatole France writes:

> Nous avons peine, à nous figurer l'état d'esprit d'un homme d'autrefois qui croyait fermement que la terre était le centre du monde et que tous les astres tournaient autour d'elle. Il sentait sous ses pieds s'agiter les damnés dans les flammes, et peut-être avait-il vu de ses yeux et senti par ses narines la fumée sulfureuse de l'enfer, s'echappant par quelque fissure de rocher. En levant la tête, il contemplait les douze spheres, celle des éléments, qui renferme l'air et le feu, puis les sphères de la Lune, de Mercure, de Vénus, que visita Dante, le vendredi saint de l'année 1300, puis celles du Soleil, de Mars, de Jupiter, et de Saturne, puis le

firmament incorruptible auquel les étoiles étaient suspendues comme des lampes. La pensée prolongeant cette contemplation, il découvrait par delà, avec les yeux de l'esprit, le neuvième ciel où des saints furent ravis, le *primum mobile* ou cristallin, et enfin l'Empyrée, séjour des bienheureux vers lequel, après la mort, deux anges vêtus de blanc (il en avait la ferme espérance) porteraient comme un petit enfant son âme lavée par le baptême et parfumée par l'huile des derniers sacrements. En ce temps-là, Dieu n'avait pas d'autres enfants que les hommes, et toute sa creation était aménagée d'une façon à la fois puerile et poetique, comme une immense cathédrale. Ainsi concu, l'univers était si simple, qu'on le representait au complet, avec sa vraie figure et son movement, dans certaines grandes horloges machinées et peintes.[1]

What were the forces which dissolved this narrow vision?

There were three forces, and these fundamental: change of interest, growth of self-confidence, and increase of knowledge. The story is an old one, and we can take for granted an acquaintance with its main outlines. The revival of learning and the consequent age of discovery and rise of science expressed a thirst for knowledge and a desire for activity and exploration. This complex stage upon which the Western World entered was of slow preparation and brilliant maturity. Europe gave a broader base for a steady advance than had the Mediterranean basin. When one nation lagged, another was ready to carry on. Interest had for long been shifting to this world. Activities of all sorts had multiplied. And there went with this change a joy in life and an unashamed interest in it. There was an increase of vital energy and a liberation of personality. All this presaged a return to humanism and naturalism, to something like, and yet different from, the classic age of Greece. Man was regaining his nerve.

It would be wrong to believe that human nature was ever completely repressed by religious supernaturalism. "There are abundant signs," writes Symonds, "that the native human instincts, the natural human appetites, remained unaltered and alive beneath the crust of orthodoxy." In high places we have

[1] Anatole France, *Le Jardin d'Epicure*, p. 1.

the examples of Boniface VIII and Emperor Frederick II; and we should note the beautiful culture of Provence, with its poetry and courts of love, crushed out brutally by the church because of the presence of heresy. Signs of the same healthy activity of human nature are the student songs.

> The open-air enjoyments of the wood, the field, the dance upon the village green, are sung with juvenile lightheartedness. No grave note, warning us that the pleasures of this earth are fleeting, that the visible world is but a symbol of the invisible, that human life is a probation for the life beyond, interrupts the tinkling music as of castanets and tripping feet which gives a novel charm to these unique relics of the thirteenth century.

Social evolution is seldom as we could wish it. Society is so complex, motives are so mixed, false emphases are so easily made, narrow reactions so frequently occur. I presume that we can only be thankful that advances are made. The brilliant Renaissance degenerated in Italy, and Italy itself was overwhelmed by foreign invasion of a casual and brutal sort which served no genuine purpose. In the northern countries, the greater mental activity took the form of religious reformation. And then came the religious wars, the dynastic wars, the rise of one country and the decline of another. But, during it all, there was a slow but steady advance in knowledge and in political and economic experience. The shift of interest to this world was continually going on. The world was being explored, nationalism was increasing, knowledge was being accumulated, methods improved. It was not long before industrialism, democracy, humanitarianism, and secularism were on the horizon. And all this presaged a reappearance of those conditions which, in the ancient world, led to naturalism and humanism.

Let us remember that for the mass of the people of any era their outlook is a question of compromise and emphasis. To such a compromise Christianity lent itself admirably. All that was necessary was the gradual rejection from nature of the

mysterious and miraculous until it became an orderly, almost self-sufficient realm. The very translation of God to the skies and his monarchical control of invisible agencies furthered this development. It moved in the direction of a dualism in which this world was set over against the next. Unwillingly, religion must needs content itself with this division. And yet this inevitable opposition divided man against himself. Supernaturalism hovered above him, beckoning him to regard this world as but a strange period of probation, upon whose outcome depended an eternal future life. So strong was the motivation of this outlook, so firmly were its institutions and sanctions intrenched, that otherworldism retained its power to check the triumph of naturalism. The result was a drift of opinion during which laicism became ever more dominant without being clearly thought out. Religion became sentimental and intermittent, while everyday life was ruled by industrial forces.

Into the intricate details of the struggle on the intellectual plane between naturalism and supernaturalism during the last three centuries we need not enter. Much of this struggle was futile because blind. Not enough was known about either man or the world. Hence, it was in the main an opposition between principles. And yet the steps in the advance of naturalism are suggestive. The attack by empiricism upon rationalism was one of these. Today we cannot accept either the empiricism or the rationalism of this earlier period, and yet we realize that the emphasis laid by empiricism upon experience and its conditions was an advance. The growth of psychological ethics with its stress upon the feelings and emotions and its appeal to human nature was likewise a movement in the right direction. In politics, naturalism appeared as the denial of the divine right of kings and the growth of the theory of contract. In every domain the medieval outlook was being discarded, but the new perspective was itself never clearly formulated. Each attempt soon betrayed itself to be

premature. The movement of society was clearly away from the old outlook, but what was going to take its place was less certain. The maturity of a culture is not quickly reached even in these days of rapid change.

Let us follow a convenient division and distinguish between subjective and objective naturalism. These divisions do, of course, represent only a division of labor, or two paths to the same goal. In subjective naturalism we witness the attempt to assimilate man to nature, to demonstrate that there is nothing in his make-up that resists this assignment. Persistent as the efforts were, they missed success because the terms had been insufficiently analyzed. Nature was interpreted with man omitted; and then the problem to make man disappear into such an alien nature was insoluble. The method adopted was reduction. Psychology was to become physiology; physiology, chemistry; and chemistry, physics. By such a process of repeated translation the assimilation of man was to be accomplished. That nature itself contained natural levels so that assimilation by reduction could only be carried through by being untrue to nature was not grasped. Dead-level mechanicalism forced a Procrustean bed upon naturalism; gave it a false task and ideal. And its lack of success lowered its prestige. In objective naturalism we find the rejection of any interference with nature from the outside. Nature was ever more clearly conceived as a closed system. Obviously, subjective and objective naturalism were supplementary movements. Were the first successfully carried through, it would help the second by giving it internal unity and so enabling it to present a stronger front to supernaturalism. And the stronger the second movement became the more imperative was felt to be the naturalization of man.

The history of subjective naturalism is at once intricate and fascinating. In ethics it appeared as a basis for criticism of what was felt to be artificial and conventional in conduct. Thus the Cynic demand that men live according to nature was

a rejection of social fashion in favor of the primitive and basic in conduct. But just because ethical criteria cannot be completely external to man, the Cynic standard was necessarily arbitrary and expressive of the personality of Antisthenes and his followers. Nature was an unanalyzed term and its limits set according to preference, as Aristotle took care to point out. Are not man's most cultivated interests natural? Who shall set the bounds to man's values? Thus, here at the very beginning of subjective naturalism we find the error of reduction. Soon, however, it was corrected. The Stoic took the Cynic standard and reinterpreted nature to make it identical with a world-reason. To live according to nature was to live in accordance with the reason immanent in both nature and man. Nature as a whole was thus lifted mystically to the heights. But satisfying as this may have been to the religious feelings, it did not solve the ethical problem. The uniqueness and relative autonomy of man was not grasped. The perspective was not pluralistic but monistic. Man's place in nature was as little understood as it was by the Cynics. In the revival of philosophical ethics during the seventeenth and eighteenth centuries, we find the gradual rejection of rationalistic ethics and its replacement by the ethics of feeling. For empiricism, reason stood for the a priori and the authoritative. That this psychological movement in ethics represented an advance is doubted now by few. It stood for an autonomous ethics as against a heteronomous or theological ethics. Its weaknesses were those of the first phase of empiricism.

In psychology, logic, and theory of knowledge, we find the alliance of subjective naturalism with empiricism. In modern thought this movement found its first important protagonists in British philosophy. Sensationalism and associationism were directed against rationalism. Sense-impressions are regarded as the standard. What is not reducible to them is in some fashion non-natural and fictitious. There is an element of this in Locke, but it comes out more clearly in the nominalism

of Berkeley and Hume. Thus Berkeley regards matter as an unjustifiable abstract idea, and Hume tends to set identity and causality aside as fictions. Motivating this outlook was the protest against the traditional idea of reason as innate and distinct from sense. The result was a too hasty empiricism which tended to reject reason rather than to naturalize it. In psychology this same bias led to the extreme forms of sensationism and associationism. In these tendencies we have the more or less conscious attempt to assimilate man to nature without a remainder; to treat mind as an atomistic or mechanical system as atomism and mechanism were then conceived. In short, naturalism reflected the current, non-evolutionary view of nature.

What must be our judgment upon these various attempts to carry through a naturalistic interpretation of conduct and mind? Surely that they were movements in the right direction, but that they could not expect to be crowned with immediate success. We cannot call them premature, for the effort had to be made. No novel view arises in model form. The mistakes made in the history of the physical sciences were as great. But what scientist laughs at these first stages of his own field? He knows that insight comes bit by bit, that it is cumulative. He knows how great an advance each step was in its own day. And this, I maintain, should be our own attitude toward subjective naturalism, as first crudely sketched.

Movements of a comprehensive scope are necessarily slow. They must await knowledge and analysis. Much had to be done before subjective naturalism could take another step in advance. With Hume it seemed to lead to skepticism and phenomenalism. Among scientists, or among thinkers little inclined to the niceties of epistemology, its implication was materialism. And so we have the halt of the nineteenth century.

The curious separation between science and philosophy which marked much of the nineteenth century has often been

dwelt upon. On the whole, romanticism had captured official philosophy. On the technical side the reason for this situation was the inability of modern philosophy to solve its problems. Empirical nominalism identified knowledge with acquaintance with sensations and images. Kantianism was agnostic in regard to a genuinely external world. Idealism denied the meaningfulness of a physical world. And this technical *impasse* or failure was encouraged by the supernaturalistic tradition, so that official philosophy was for long reactionary and uncreative. It marked time while science and industry and politics were undergoing revolutionary changes. Frequently philosophy became retrospective and reminiscent and little else than its own history. But I would be unfair to the philosophy of the nineteenth century if I left the matter here. It was not itself creative, but it served the useful function of criticism. It pointed out unsparingly the weaknesses of the subjective naturalism of the time. The list of such criticisms is long. Naturalism was seemingly helpless in the hands of dialecticians like Lange, Balfour, Sorley, Seth, and Ward.

But the concrete movement of science continued, exploring field after field and reducing it to order. The biological and social sciences were annexed. Psychology became experimental and closely allied to biology. Sociology with its kindred disciplines gained independence. In short, no domain remained exempt from scientific method. Can it be denied that the situation became intellectually unstable? We have the confession of James Ward:

> If with the history of science and the results of science before us we pass straight on to the construction of a philosophy, idealism has no chance. But, in truth, "modern science" hardly needs to *construct* its philosophy; for, without any conscious labor on its part, the naturalistic view of the world seems to stand out clearly of itself.[1]

But a thinker who makes such an admission must be very certain of the almost magical power of his epistemology if he undertakes to wave aside such a massive movement.

[1] James Ward, *Naturalism and Agnosticism*, Preface.

We have given more attention to subjective than to objective naturalism because of its greater complexity. But we must glance briefly at this complementary movement.

Objective naturalism opposed itself to supernaturalism. It did so timidly at first and with willingness to compromise, but later more boldly and rigorously. Thus we have the deism of the seventeenth and eighteenth centuries, which held nature to be a self-sufficient system which God had created and set going, but with whose working he did not interfere. United with this outlook was the distaste for revelation and the confidence in human reason. The postulates of religion were still strong enough to suggest a natural theology worked out in the light of reason. We must not forget that other forms of naturalism adopted a pantheistic approach which tried to identify God with nature. To the orthodox this trend of thought was still more odious than deism, because it seemed to them that nature swallowed God. Farther to the left in this movement came the stricter form called "materialism." Foreshadowed by Hobbes in the seventeenth century, materialism came into prominence in the eighteenth century to sink for a time out of sight and then to reappear in the middle of the nineteenth century. But, as yet, materialism was technically inadequate. Its epistemology was crude, and it could offer no guidance for an interpretation of man and society. Thus we come full circle to the movement on the line of subjective naturalism.

And so we are brought to the flare-up of naturalism in the nineteenth century which accompanied the promulgation of a specific theory of biological evolution. For the first time biology came into sharp conflict with traditional views and was forced to grapple with the defenders of orthodox Christianity. It was inevitable that the abler advocates of evolutionism should seek to extend its application. But, as often happens, this application was made too hastily. Darwinism was carried over to ethics without due consideration of the

characteristics of the new field. The value of evolution lay in the new perspective it engendered. Soon psychology joined hands with biology and began to investigate more deeply the origin and structure of human nature. In this junction the doom of the dualism between mind and body was prefigured.

It is not surprising that the first contribution of evolution to ethics was less than the basic nature of the new theory of man's place in nature seemed to warrant. If ethics has to do with human valuations, why should we expect to have a system of ethics deduced from biology? The corresponding attempt to build sociology upon biological analogies rather than to investigate social phenomena with new insight was doomed to the same failure. The inspiration was there and it gave daring, but did not bring results commensurate with the effort; and this is not for a moment to deny the shift in perspective which the theory of evolution has brought about. In short, the significant impact of evolution was along the line of objective naturalism rather than that of subjective naturalism. It removed the organism from its former isolation from the rest of nature; gave it attachments and conditions. Cartesian dualism was soon seen to be no longer possible. Man is a bit of this earth; at once a product and a denizen of nature.

We have pointed out that the nineteenth century was not philosophically creative. Those who championed evolution and sought to defend it against its enemies were compelled to throw the new idea into the setting of skeptical empiricism, hedonism, and positivism. Thus, Huxley invites us to believe that idealism is at least as well founded as materialism. He writes: "My fundamental axiom of speculative philosophy is that materialism and spiritualism are opposite poles of the same absurdity—the absurdity of imagining that we know anything about either spirit or matter." Spencer carries on the traditional hedonistic ethics of English thought and adds thereto an agnostic religiosity which is one of the curiosities

of philosophy. Others, like Lewes, worked within the bounds of positivism, suspicious of anything metempirical. But these men and others like them, such as Clifford and Tyndall, were courageous and faced the issue as they saw it. To them and their contemporaries evolution and naturalism appeared an epoch-making discovery fitted to overthrow all preconceived ideas of human life. And when we remember the stagnant, traditionalistic society in which they found themselves, their zeal need not surprise us. We in this country are beginning to realize the unlovely situation which results when the *odium theologicum* joins hands, as it always does, with ignorance and passion.

The situation which confronts the human mind today is dramatic to the highest degree. Science has gained an increasing momentum because it investigates the world from the vantage point of centuries of discovery and of improvement in technique. And this is as true of the biological and social sciences as of the basic chemical and physical sciences. The prestige which science has gained on both theoretical and practical counts renders it almost impregnable. But there can be no question that the recognized implications of science are naturalistic in the extreme. That the organism is in some sense a physicochemical system is almost an axiom of research. Note, in this connection, the discovery of the regulatory influence of the secretions of ductless glands. In biology the science of heredity or genetics bears witness to the naturalistic tenor of research. In psychology the behavioristic school with its belittling of consciousness is an example of the same trend. In education mental testing has its obvious implications, especially as linked up with genetics and biopsychology. But the dramatic character of the present does not depend upon science alone. The disruption of old political and social institutions forces home the sense of impending change in man's outlook upon himself and upon the world. The compresence of nations through modern means of communication

has started a process of comparison more drastic than ever before because so ultimate and on so large a scale. For every nation its past threatens to vanish from memory in the tenseness of the present.

This situation is a challenge to philosophy. Can it meet it? Not unless it is drastic, creative, and systematic. Once more the current is setting toward naturalism, but a naturalism with a broader and more thoroughly tested foundation. Once more, then, naturalism is emerging.

But we must not ignore the analytic side of our question though here issues are raised which can only be indicated. What is the exact meaning of naturalism? And what is the meaning of its contrast term supernaturalism?

Even our brief sketch of the appearance of naturalism shows plainly that at first we can strictly speak of neither naturalism nor supernaturalism. Man did not at first know what nature was. Dream-world and perceptual-world interpenetrated. The social group consisted of both the quick and the dead, gods and men. It was out of this undifferentiated, unanalyzed world of animism and hylozoism that nature and the supernatural gradually evolved in the thought of man.

As nature crystallized out, supernaturalism became sharper and more dramatic. For instance, not until the notion of natural law arose did the idea of miracle secure its challenging mystery. We may say, then, that the growth of the concept of nature forced a corresponding development of the idea of the supernatural. The second must adjust itself to the first at its peril. The sanctions and criteria of the supernatural become more difficult to find. It is nature which is explored and which becomes increasingly definite. The supernatural retreats to become the vague background of appeal. It eludes the technique of science and makes appeal to mystery and revelation. The more science penetrates into nature and relates man to it in all his activities the more the supernatural loses its contacts and significance and the more the feeling

arises that there is not any realm of existence left over as beyond the natural.

Thus, of the two ways in which adjustment is made between the natural and the supernatural one of these, dualism, tends to disappear. The other, mysticism and pantheism, is subtler and harder to deal with. Mysticism as a feeling is simply a psychological fact; as a doctrine, it must appeal to logic and accept its criteria or else be frankly irrational. That mysticism as a compensatory rebellion against naturalism will long remain I have not the least doubt. Adjustments are slowly made and even never made in these matters of the emotions and feelings. When not purely mystical, pantheism seems to me to express a fundamental agnosticism. The world is physical, and yet is not physical but divine. Something of the dialectic of the distinction between degrees of reality is implied. Back of the apparently real is the more real, whose revelation it is. How can this be met except by denial that it is needless and answers no purpose because it changes nothing, neither life and death nor good and evil? And such a retreat to the supposedly more real, since it is logically unmotived, is arbitrary and can be continued indefinitely.

It would seem, then, that naturalism is becoming the positive and reductive term for thought. But naturalism must be filled out by the inclusion of human life and thus rise to humanism. It has been the supposedly negative and forbidding atmosphere of naturalism which has, perhaps, rendered many people desperate adherents of supernaturalism. They have felt themselves hanging over an abyss of mechanical processes which had no relationship to value. And this was philosophy's fault which it is only now beginning to correct. Surely the world is beautiful as well as ugly, satisfying as well as adverse. We can find means to accomplish what we greatly desire; and this control and direction of events depends largely on man's intelligence. Nature does not merely tolerate man for it has produced him; and it has come to this pass that nature's

child can within limits direct the energies around him to channels leading to the accomplishment of his ends. More than any other generation this one knows in its heart that man must blame himself if war and ruin have brought despair into many lives.

The new naturalism must contain within itself the new humanism. It must be humanism which comprehends in the concrete that man's aims and satisfaction are not alien to his environment, but grow from it and secure their meaning from their setting. Such a humanism will be virile and intelligent because freed from phantom ideals. Not until such a humanism is full-born will naturalism be able to compete with the subtler forms of supernaturalism which people the vast beyond, which eludes our senses with beckoning hands and chants of angels.

> Then shall the horrid pall
> Be lifted, and a spirit nigh divine,
> "Live in thy offspring as I live in mine,"
> Will hear her call.
>
> Whence looks he on a land
> Whereon his labor is a carven page;
> And forth from heritage to heritage
> Nought writ on sand.

But I do not desire to end in a note of triumph. May not our civilization, also, have its failure of nerve? May not conditions become once more unfavorable to what is free and creative and lordly in man? There is no guaranty, no assurance. We cannot know the future. But there is as yet no reason to despair. The instruments of achievement are in man's hands as never before. Let him use them. Let there be daring and sincerity.

ROY WOOD SELLARS

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LABOR AND THE LEAGUE

C. DELISLE BURNS

A review of any part of the work of the League of Nations must be a balancing of accounts. Something has been gained and something lost since 1918. The high hopes which guided many, at least in Europe, at the close of the war have never been realized, and no one now thinks of "reconstruction." Even the plans which were actually completed when the Peace Treaty was signed have lost their practical value; for the "slump" in the money value of shipping tonnage is as nothing if compared with the "slump" in moral ideals. The world of 1924 is suffering from a moral depression. The economists frequently write of the depression of trade in some parts of the world, but they do not generally refer to the moral collapse which is one of its causes, because the extent of that collapse is not calculable statistically. And perhaps the moral depression of value is most remarkable in countries whose economic wealth has not decreased. The inevitable result in merely economic terms may not show itself for many years after lassitude and cynicism have set upon a people; but the world is united by moral bonds which are as important as the bonds of economic intercourse. Depression and doubt are much more dormant today than confidence and hope were in 1918, and every country is suffering, or will soon suffer, from the collapse of ideals.

The work of the League in connection with labor has suffered from the general depression. The very ambiguity of the meaning of the word "labor" has perhaps helped to restrict this activity of the League, for labor may mean a political outlook organized more or less effectually by political groups, and it may also mean a certain group of functions in the organization of industry. It should be hardly necessary to say that the League has no special connection with labor as a political force, any

more than it has a connection with conservatism or republicanism; but the prevailing ignorance is so great that opponents of the labor office of the League have to be reminded that if the League gives special consideration to labor, this does not imply any political connections.

Labor as a group of functions in industry was declared in the Peace Treaties to be one of the sources of social unrest. The performance of manual work is, in fact, connected with poverty, unemployment, and the danger of disease, just as the performance of manual work two thousand years ago was connected with slavery. It is assumed by many that the manual worker in industry need not be in danger of poverty, unemployment, or disease; that is to say, it is assumed that the performance of his social function can be secured without these evils. This assumption is by no means proved. The present organization of industry may be such that we should not obtain any books to read unless poverty, unemployment, and diseases compelled the wage-earners to work. But no one likes to face that possibility. Our economists are less honest than Aristotle; for he frankly examined a similar problem and concluded that, in the then existing organization of industry, slavery was inevitable. The economists, who are generally without any competence in moral pholosophy, either blandly assume that the evils of the existing system are inevitable or that their removal would leave the system eventually unchanged. Such assumptions, however, are not clearly conceived by politicians and statesmen, and therefore we may omit further discussion of them here. It is sufficient to note that the sections of the treaties which created the labor organization of the League assume that the evils suffered by the workmen in industry are remediable, for the preamble to these sections treats the removal of such evils as one of the steps toward social harmony.

The League, then, by means of a special organization, was to improve the conditions of employment in industry through-

out the world. The labor organization of the League has been so often described that its chief features must be already familiar to the reader of this *Journal*. No changes have been made in the form of the General Conference, the governing body to the Secretariat; their relation to the other organizations of the League still remains what it was when the League came into evidence in January, 1920. Experience, indeed, has confirmed the utility of the representation of "interests" or industrial functions as contrasted with states or governments; for the representatives of the employers and of the workers in the Conference and in the governing body have kept the League organization in touch with industrial as contrasted with political issues. But in regard to industrial issues we must realize what the Treaties produced. They did *not* contain any reform of industrial practice, there was no attempt at solving the problems of unemployment, emigration, or industrial disease. All that was done was to establish a machine for dealing with such issues; and the machine—such as it is—has survived. Obviously the way in which such a machine may be used is a further question, and it may happen that the machine is not used at all; but, so far, it still exists. At worst, then, the situation in which we find ourselves is better than what it was before the war; and the general depression at the failure of "reconstruction" should not be allowed to disguise the fact that a very remarkable advance has been made.

The advance made may be estimated as we should estimate the value of administrative or legislative provisions for dealing with any social problems. So long as each problem has to be dealt with by special *ad hoc* efforts, so long will progress be slow; any difficulties surmounted in one case will have to be faced again when we are solving a new problem. Before the war the international agreements for the reform of industrial practices, for example in the making of matches from white phosphorus, were promoted by private groups of benevolent persons who had to persuade the government to act. The

process was very slow. Now, however, the League promises a machine for all such action; there are provisions for periodical discussion, for constant pressure on governments, and for full information as to the practices in different countries. As soon as there is any general desire for improvement the machine can be used; and even if no such desire exists at present, it is worth while to keep the machine running. The position is not eventually different from that of war offices in states which are at peace; for the expense of their upkeep is regarded as necessary because the time may come when such administrative machinery is essential. It should not be regarded as cynical to suppose that the peoples of the world may eventually become civilized enough to organize peace as well as they now organize war. Until that time comes, the labor organization of the League will not be fully used, but meantime it exists and performs some useful services.

Not the least of these services is the publishing of information by the International Secretariat at Geneva, and if by any chance the activities of the Secretariat were curtailed, the future organization of peace would be postponed indefinitely. What most politicians and practical industrialists lack is not good will but knowledge of facts, for even those who are students of industrial conditions in their own country are often negligent of the situation abroad which intimately affects their countrymen. The labor office at Geneva supplies just that sort of general view which is essential for understanding modern industry. The monthly *Labor Review*, with elaborate articles, and the shorter *Official Bulletin*, as well as the valuable special studies, are all instances of the practical working of the international mind. No government, however powerful, could possibly supply the sort of information which the labor office at Geneva provides. There are, of course, limitations to any "official" information. It tends to be colorless, and, if the credit of a government is concerned, misleading; but an educated man ought to be able to read between the lines of an official publica-

tion. One should not need pictures in order to realize that suffering occurs. Again, in some of its features official information on industry shares the defects of the dominant conception of industrial organization. The methods of statistics and mathematical reasoning have so obsessed economists that the most important facts in regard to industry are thought to be numerical.

Social philosophy has been confined within the limits of what is calculable under the influence of the physical sciences, and differences of quality or intensity of experience tend to be disregarded. Thus economics has ousted ethics. But we can hardly blame the officials of the International Labour Office for not being ahead of their time in such matters as this. The French, German, and British official information on industrial issues suffers from the same limitations.

Apart from the continuous work of the Secretariat, the labor organization of the League has achieved some remarkable success, which must be placed to its credit in spite of failure and disappointment in other spheres. In the first place, Germany and Austria have formed part of the labor organization of the League since October 30, 1919, and a representative of the German government as well as a representative of the German workers took part as members of the governing body at its first meeting in Paris in January, 1920. The formal admission of Germany was the source of embittered controversy at the meeting of the General Conference at Genoa in June, 1920, largely because the Conference was to deal with seafarers, and Mr. Havelock Wilson maintained his warlike attitude. The director of the labor office, Mr. Albert Thomas, was able, however, to arrange a form of words which permitted the Conference to continue its work with the co-operation of the German delegates. In this matter, then, the League has been able to advance out of the atmosphere of the war mentality which still dominates the Council and the Assembly. It would have been, indeed, utterly absurd to include in an international

labor organization such countries as Bolivia, and to exclude Germany. The United States has so far refused to co-operate in the international effort to improve the conditions of workers in industry, and this has been a serious limitation to the utility of the League's organization. But it has been possible, nevertheless, to make advances by co-operation among those nations which have developed at least the beginnings of an international mind. The absence of representatives from Russia, although regrettable, is less important, as industry there is still hardly developed and has not yet become an integral part of the world-system. The other chief countries of the world have sent representatives of their governments, of their workers, and of their employers to consider and make proposals for the reform of industrial evils. The general proposals of the labor organization have been defined in the four general conferences held in Washington (October, 1919), Genoa (June, 1920), and Geneva (1921, 1922). A fifth conference was held at Geneva in October, 1923. Various conventions and recommendations for the reform of industrial conditions have been agreed to by the Conference. The details of these can be easily learned by reference to the publications of the labor office or by application to the agents of the office in any of the chief capitals of the world. It will be enough, therefore, to indicate here in very general terms the kind of reform which has been attempted. From its foundation the labor organization has attempted to secure and extend the leisure of workers in industry. This has been largely in connection with the "eight hours' day." In some countries (for example, in Great Britain) the well-organized trades had already established by agreement the shorter working day, but, in others, legislation was necessary to secure it. The particular period of work "eight hours' day" or "forty-eight hours' week," with which specific controversies are concerned, should not be allowed to obscure the general aim of the labor organization of the League, which is to prevent the workers in industry from hav-

ing every particle of their life wrung from them in their labor. Owing to the convention agreed to at Washington in 1919, many states have introduced legislation giving the workers more leisure, and it may be seen how valuable the workers think this advance from the fact that in the recent reconstruction of the German Government (October, 1923) the eight hours' day was treated by the Social Democrats as the essential condition of their co-operation. In Germany the shorter working day was one of the chief gains which the worker derived from the revolution of November, 1918, and the labor organization of the League has striven to make such gains universal. There have also been conventions extending the protection of workers against industrial disease, and others aimed at preventing the exploitation of children in industry. Many states have embodied the conventions on these matters in legislation, and in Japan and India, where the conditions are very different from those in Europe and America, advances have been made which would never have been realized but for the labor organization of the League. The existence of the organization has made it easier for the new states created by the Peace Treaties to adopt a high standard in their industrial laws; and in old states the tendency toward progress for the first few years after the war was supported by international criticism, expressed at the meetings of the General Conference.

A report published by the labor office at Geneva on February 11, 1921 (*Studies and Reports, No. 15*, Series A), reviewed the tendencies of European labor legislation since the war. At that time the great reaction had not made itself felt. The report spoke hopefully of steps toward "control by the workers" and the regulation of wages in low-paid occupations, but even then there was a fear of "political convulsions." Now, in 1923, we are in full reaction. Attacks have been made in Great Britain and elsewhere upon the labor office of the League, some governments have refused to confirm the conventions by legislation, and—worse still—the high-sounding

principles of the progressive legislation of 1920 have proved in many countries to have no practical effects. The labor organization suffers from the same weakness as the Council of the League. The governments of the world have not, on the whole, taken it seriously, and the people of most countries are so perplexed by domestic problems that they have not been able to compel the governments to act internationally. Some of the more powerful governments have pursued and are pursuing a war policy in spite of the signing of treaties of peace, and in such an atmosphere the organization of peace cannot be achieved. But is it not the League of Nations which has failed; the failure is a failure of governments and peoples, who have not been able to rise to the occasion, nor even to use the instruments which they themselves have made. There may be fools who think that if an instrument is produced it will do all the work without a hand to guide it; at any rate there are some who write letters to the newspapers protesting that the League or the labor office does not establish the millennium. It is, indeed, difficult to be patient with such political innocence, but its existence shows how far we are from any general understanding of the facts. Even the "advanced" political groups seem to believe that reforms are accomplished when an agreement is signed or a law promulgated; and in the new states of the world it appears to be imagined that if a law is passed to forbid stealing, stealing will cease to exist.

Unfortunately, during the war "practical" politicians learned the use of noble moral professions in maintaining their own power. Covenants and conventions may have some "propaganda" value when it is necessary to show that we are making progress, but real problems cannot be solved by fine words. The League and its labor office have now to reduce to tangible and definite results the principles on which they were originally based; and a few determined men may yet be able to hold the governments and peoples of the world to at least a few of their noble sentiments. It is still very commonly

believed that peace is better than war, although every nation is spending ten times as much in preparing for war as it is spending on the League and other instruments of peace; and, indeed, if international politics continue upon their present course, another great war is inevitable. It is also still sometimes thought that the evils of the industrial system can be removed, but progress in industrial legislation has ceased and in some countries post-war reforms have actually been abolished. In such an atmosphere the activities of the labor organization of the League are necessarily curtailed. The practical issues, however, are receiving fuller consideration. Events of the past few years have shown that there are two chief difficulties which must be overcome as a preliminary to international action for the reform of industrial conditions; one is the failure of governments to ratify conventions, the other is the ineffectiveness of legislation which is without administrative provision for its enforcement. These two difficulties, therefore, are to be specially considered in view of information which is being collected by the labor office. The actual items of the agenda for the conference are on the old lines; they are: (1) the utilization of worker's leisure; (2) foreign worker's compensation for accidents; (3) weekly tests in glass-manufacturing; and (4) night work in bakeries. It will be seen that the program is less ambitious than it was in former years. But, on the other hand, there are very significant suggestions as to methods for the amending of conventions by governments which do not ratify them as agreed. A report on the subject has been published by the labor office. Behind all questions as to the ratification of conventions lies the old problem of sovereignty. How far has the meaning of sovereignty changed since the foundation of the League and its labor organization? In practice, hardly at all; but the general tendency is toward consideration by each sovereign authority of the action taken by other such authorities. The conventions of the labor organization can never be, in the

fullest sense of the word, legislation, and international labor legislation therefore must remain a metaphorical expression. But the legislation of each sovereign state may be defined more closely than hitherto by international agreements. There is additional difficulty because the structure of government differs in different states; for example it is unthinkable that the British Parliament should delegate to the Cabinet the power to legislate on the lines of an international convention. But these suggestions indicate the practical problems which have to be faced in reforming industrial practice in any large groups of states taken as a whole. The other chief difficulty which the labor organization has to face is the administration of labor laws. Everyone knows that the first factory acts in Great Britain remained ineffectual until an inspectorate was established in 1833. The problem of inspection is therefore fundamental, and this is to be the subject of special consideration at the General Conference. Methods of inspection differ. The effectiveness of different methods has been tested, and the weakness of corruption of inspectors is known to have rendered the most admirable laws quite futile. Of course, the Conference has to discuss the principles upon which inspection of factories and other work-places should be based; but "between the lines" one may read the truth that labor legislation has in many countries proved to be useless, because there is no inspectorate or because inspectors can be bribed.

A good system for the administration of labor laws would reduce the opportunities for bribery and other forms of corruption and increase the effectiveness of punishment for the infringement of laws. The first necessity is that inspectors should give publicity to what is actually occurring in industry, for it was proved fifty years ago in Great Britain that factory reforms were made possible by the reports of the factory inspectors. It is, of course, too much to hope that the League itself should send inspectors to inform the world about the conditions in cotton mills and match factories in China. At

any rate it would be justly resented by the Chinese if the League reported upon industrial evils in China without at the same time noticing the conditions in certain British-owned industries in Spain. But inspection must remain for many years one of the functions of the separate states of the world, and all that the League can do is to assist in making such inspection effectual. It is a real step forward that the conference of the labor organization should turn aside from projects of legislation to consider methods of administration. The purpose is the same—the organization of the peaceful occupations of men so that there may be less confusion and less suffering borne by those who perform essential functions in the service of civilization. If an attempt were made to express cogently the task of the labor office of the League, language might become embittered. It was the so-called "labor unrest" at the end of the war which induced politicians to support the creation of an international labor office. Mr. Lloyd George certainly desired reform in so far as it would keep the victims quiet. But what is this labor unrest? In industry we blind men with smoke; we deafen them with the noise of machinery; we torture their minds with the fear of unemployment and its result—semi-starvation; we house them vilely, and make their children go short of food and clothing lest they should lose "the will to work"; and when the victims show any dying sign of vitality we call it "unrest." It is indeed immaterial that, with such an experience, they should not have understood the law of supply and demand, for every textbook will show them that they get what their labor is worth. This is easily deducible from the proposition that their labor is worth what they get, although a new Rabelais might carry somewhat farther the argument of their new scholasticism. The labor organization of the League, however, was designed to diminish the human "costs" and "risks" borne by the workers in industry, and representatives of such workers have been given a place in the conference and governing body of the organization.

Unfortunately the weakness of their section of the League as an instrument of reform is due not merely to the inertia of government but to incompetence and divisions among the workers' representatives. It is possible that some of these have not taken the matter seriously, and a few may perhaps have regarded attendance at a conference in Switzerland as a form of winter sport. The employers, who are supposed to be the organizers of industry, are too timid or perhaps too conscious of their own incompetence to accept any changes of the system which might make greater demands upon their intelligence. Again, like the rest of the League, the labor section suffers from the war policy of European nations and the "sacred egoism" of the United States. But, in spite of the general moral depression, progress is being made. We cannot expect the thing to make much headway with a rising sea in Europe and nothing but good advice from America; it is, however, possible that the League and its labor office may survive until some future day, when the peoples and their governments determine to carry forward the organization of peace.

C. DELISLE BURNS

LONDON, ENGLAND

THE LEAGUE OF NATIONS: A PROCESS[1]

A DIALOGUE BETWEEN STUDENT AND PROFESSOR

ADOLFO POSADA

STUDENT: Sir, I hand you back the copy of the *International Journal of Ethics* for January, 1924. Its articles form an admirable approach to the study and comprehension of the League of Nations. It is like a draught from a cool and limpid spring.

But the young generation—your own hearers—do not readily yield to optimism on this subject. We are obliged to admit that, in these days, in Europe, the times seem ill-suited to any enthusiasm. If you ask us to esteem the work of the League, and its response to our hopes, I will say that it is indeed a beacon light, but a beacon shrouded in fog; our faith in it, I must admit, sir, is irremediably disappointed.

Furthermore, *any* league of nations, now, looks to us like a mere external, superficial thing; for it would have no roots—no depth in the conscience of nations. There is a suggestive phrase in the very first lines of Mr. Roth Williams' article in the *Journal* ("The technique of the League is the art of organizing conferences") that is not very encouraging; a mere art of organizing conferences!

PROFESSOR: Ah, my young friend, even so; even the "mere art" of organizing conferences would be no small achievement! It is by just such conferences that we can hope to move men,

[1] This article originally appeared in the author's *Actitud Etica ante la Guerra y la Paz*, a collection of essays published in 1923. But upon reading the *International Journal of Ethics* for January, 1924, the author entirely re-wrote the essay in the light of the articles there published and now presents it to the *Journal*.

The author is a professor in the University of Madrid, and his various works (all in Spanish) in the fields of sociology, political science, ethics, and education make him a leader in the modern thought of Spain.

The translation is made by Professor John H. Wigmore, dean of the Northwestern University Law School.

to stimulate the emotions of whole peoples, to reconcile conflicting aspirations, and to control mighty forces like those of the current nationalistic jealousies.

But let me address myself particularly to that state of mind of the younger generation to which you alluded. I, my friend, am an old man now, and therefore able to contemplate the situation more calmly. And I dare to say to you that *you must concentrate your whole will on having faith* in the League of Nations!

It is not perfect, of course. But it is gradually overcoming its birth-crisis, and it has now to overcome the even graver crises of growth; or else we must recur inevitably to barbarism. If we let it perish now, when it has scarcely begun to live (for its aim is to organize Peace, and to minimize the possibility of war), we are in effect letting our civilization fall back into chaos, from which may God preserve us!

If we mean to think constructively, we must for the moment abandon this critical attitude (time enough afterward for that!), and visualize the deep general significance of the League.

First and foremost, it is a *symbol*—a symbol of progress. It is a living and warning reminder (like a remorseful pang of conscience) of that account which the Allies in the Great War aimed to settle with "the nation that apotheosized the rule of force" (to use Mr. Wigmore's phrase in the *Journal*), and of the principle affirmed by President Wilson in 1917, "to vindicate the rule of Reason against the rule of Force." The League is the lofty consecration of the triumph of those motives which made millions of us neutrals sympathize with the Allies. And so, as expressed in the article above quoted, "The true function of the League, as the specific product of the War against War, is to symbolize the rule of Reason" in the extra-juridical sphere of political struggle. It symbolizes the most constructive force that humanity has ever contrived for overthrowing that domination of violence which has hitherto been the criterion of decision among nations.

STUDENT: Indeed, sir, a noble idea—if only it were a reality! But, if you will pardon my incredulity, we of the younger generation (odd though it may be) are a little skeptical, or at least extremely cautious. A symbol, you call it. But sometimes a symbol is merely a mask to disguise tendencies which cannot be openly avowed! In this case, it looks to us as though beneath this "symbol" may well be concealed merely some dangerous political devices. What if the League be merely a cloak, made of innocent lambskin, covering the nationalistic ferocities and imperialistic ambitions, suppressed, but alive or latent? Will not the League be (from time to time, at least) merely a piece of machinery (admirable, no doubt!) available to give collective effect, under the guise of free deliberation, to the domineering will of the Great Powers? Have you not noticed how difficult it has been to control the action of any nation which deemed itself powerful enough to disregard the ties of law? Do you not recall the attitude of Italy in its affair with Greece—an attitude that could hardly be described as quixotic? And may one not entertain a certain distrust of the League if the fact be that it is dominated by this or that combination of governments or states (I will not venture to say "nations")?

PROFESSOR: Oh, ye of little faith! Skeptics! I can see that your cool analysis is generating such distrust that you are in great danger of drying up the living sap of your ideal! Suppose that there *are* some who would use the symbol as a disguise: well, my friend, then we shall pierce their disguise! The very strength of the symbol is that it represents so profound an eagerness of suffering humanity, so strong a moral impulse against the horrors of war, that these casual political intrigues, macchiavellian though they be, can never avail to defeat the ultimate purpose of this enterprise. Every day of the year brings it stronger support. Even in America, which did not join the League, they are now watching and following with interest its progress. If the Wilson idea could survive the

catastrophic crisis which ensued on the abstention of the United States, we may well hope that it can weather even severer storms.

But there is another function for the League, and a function every day more operative. Amidst the chaotic confusion of ideas and of ideals, now reigning especially in Europe, as a consequence of the war, the attitude of each individual or collective mind toward the League is the most accurate standard for measuring the spiritual tendencies. It is indeed decisive.

STUDENT: Sir, I cannot say that I follow your meaning.

PROFESSOR: I will explain. According as we look upon the League with sympathy, with apathy, or with antipathy, we reveal three distinct political temperaments.

Sympathy to the League implies an enthusiastic soul, liberal with humanitarian and generous sentiments—a soul that has faith in the expansive force of the "Declaration of Rights of the Man and the Citizen."

Apathy to the League denotes a cold soul, devoid of faith in the gradual progress of those ideas characteristic of representative and democratic institutions.

Antipathy to the League is found in a reactionary soul, of nationalist or imperialist aggressiveness, placing its faith and its hope in force.

For the League implies fundamentally two things: first, that the nations (great or small, strong or weak) stand for the recognition and defense of their individual existence; secondly, that they profess a liberal government—a government of law, of legal guaranties of all just interests, especially those of the weak; for the liberalism signifies all this, and especially generosity. And I include, under "the weak," not only whole nations but those ethnic or other minorities which exist in many states. And if the spirit of law, or, better, of justice (which is another thing than the mere legalism of the lawyer), takes hold of the soul of the League, then this protective influence, passing out into the very being of the several nations, will inspire in them a deeper respect for these human rights.

The mere force of public opinion (the *mores*, as the term is used in the *Journal* cited) will so operate, without irritating or offending, that national self-respect alone will make it "bad form" for any nation in the League to fail notoriously to maintain the essentials of a well-ordered state.

STUDENT: But, sir, you just used the expression, "the soul of the League." Do you then really believe that there is a "soul" at those meetings in Geneva?

PROFESSOR: My dear fellow, that was indeed a slip on my part. Soul? Did I say "soul"? That is too large a word. I cannot attribute a soul to the League, either at Geneva or elsewhere. For the League, as yet, does not possess even the body for a soul. It has not yet formed an organic synthesis; and without organic synthesis no soul is possible. The League, in spite of its elaborate mechanism, is not an organism.

Nevertheless, it is a *process*—a process in its initial stage. But in so far as it forecasts a future, a Utopia, in so far as it emphasizes in its action the fundamental idea of a corporate unity (as visioned by President Wilson), it will end by becoming an instrumentality capable of triumphantly bringing to pass what we may call *super-liberalism;* that is, the sublimated ideal of pure liberalism, which, before the war, had not passed beyond the national frontiers of the most advanced states.

In my opinion, the League of Nations either means nothing or it means, as an objective, the maximum of incarnate liberalism, both extensively and intensively, in diverse forms, in the constitutional system. I recall a formula of the great von Ihering, defining his own attitude toward the Roman Law, "through the Roman law, but over and beyond it" (*Geist des römischen Rechts*, 4th ed., I, 14). And so we may say that the League must pass "through Liberalism but above and beyond Liberalism."

And that the process is an advance in the internationalization of states may be seen in the three features emphasized in

the article by Mr. Wigmore cited above in the *Journal;* viz., the features of "political organization," of "the *mores,*" or public opinion, and of "international procedure." But this advance must continue to the point of creating that personality which is now lacking. Whether this personality will constitute a superstate or not will depend upon circumstances not yet foreseeable. But, for the present, the essential is that it form an *international mind.* This, as yet, is scarcely existent, and cannot show any strength of life so long as we fail to recognize (in Mr. Norman Angell's words in his *Illusions of Victory*) "the bankruptcy of the ancient tradition" inspired by the greed for power and mastery.

And now, my dear fellow, to conclude: The League of Nations, or rather this *process,* is penetrating to the heart of two great problems, one ethical, the other political.

The *ethical* problem lies in the necessity for a radical change of moral attitude in the mind of nations. In the words of our lamented master, Francesco Giner, "Neither individuals nor nations will ever find their ideal in an extension of territorial power or size or supremacy," but rather "in a life constantly more pure, spiritual, and lofty, fostered by means of existence not obtained through force or shrewdness from others."

The *political* problem is, in the meetings of the League, to make the voice heard, more and more, of the nations themselves through the words of their most representative men; in other words, that every day shall be heard more and more the *men,* and less and less the *diplomats.*

ADOLFO POSADA

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SECURITY IN MODERN LIFE

R. F. SWIFT

Security is a fundamental demand of human life. Customs, government, and religion have this as their primary purpose. The problems of the relation of the individual to the community are largely based upon this need in the individual. On the surface it may seem that the need has been the security of the community. Although it is perhaps impossible to make an absolute distinction between the individual and society, in the last analysis the individual is the center, and everything exists for him. The group, when it is used as the central concept, is an abstraction. The individual is the concrete actual, the living person. When he sacrifices himself for the community, he is sacrificing for other concrete persons, not for an abstract entity. What is the community when all living persons are thought away?

There has been, always, an unstable equilibrium between the individual and the community. The tension has been greatest where the higher interests of the individual are in jeopardy. The individual has set himself against the community, normally, in order to gain or to preserve what seemed to him higher or greater goods. Spiritual values such as freedom have been the most zealously guarded.

An age of individualism is an age of insecurity. For individualism means the giving up, or at least the risk of losing, one form of security for a possible other. In the modern age of individualism the chief object of achievement has been economic security. Its social philosophy is economic individualism. It involves the danger of losing certain values or interests which otherwise might be sources of security. Theoretically economic individualism is not incompatible with spiritual individualism, but in practice it tends to become so. For all

values are achieved and held by effort, and when effort is directed almost exclusively in one direction, values in other fields are endangered.

Any human interest asserted in an exclusive form endangers other interests. In times of political struggle such as the Civil War certain values have been the immediate concern, in this case certain human values of a political nature. Economic values were secondary. In religious wars both economic and political values may be sacrificed. We now realize how the economic life of Europe was endangered by the Great War and how the peace settlements have endangered other values because of the exaggerated importance placed upon economic values.

Man is perhaps incurably individualistic. But if he is so, it is only in one or at most a few directions at a time. He will follow a dominant impulse or ideal to the sacrifice of others and learn, if he learn at all, by trial and error only. He wants to validate all impulses in experience as they appear in the foreground of consciousness, rather than by an exercise of reason attempt an inner organization of tendencies or impulses.

The present age attempts to validate the tendencies of man's nature toward economic individualism without having thought the matter through in advance. Experience is proving an expensive teacher. For not only has modern life not achieved economic security but it has seriously endangered other interests of a high order. Nor are we even assured that the economic order will survive the test of the last world-catastrophe, a catastrophe which economic individualism itself did so much to bring about. The individual in this age is neither secure nor happy, nor does he have peace. This may involve the greatest opportunity which the race has had, certainly it involves its greatest responsibility.

The failure to secure the individual is a community failure. For this is the chief function of communities. It has been thought that by giving free reign to man's economic propensities his security would be achieved. It is not so. Society has

not had the same regard or the same interest with respect to spiritual individualism. It is communistic with respect to the higher values and interests. But the individual should be able to feel that the community will assure him security in the possession of spiritual values as well as material goods. The sources of his life, spiritual as well as material, are in the community life. In practice it often happens that the community is hostile to the development of the higher ranges of the individual's nature. It often compels him to look elsewhere for support and security, and this often means a break with his true spiritual home. Or he must conform and sacrifice his spiritual interests.

Modern communities, in fact, are organized too exclusively on an economic basis to allow for much consideration of man's spiritual welfare. Society must have material organization, but it should not be necessary that this exclude the achievement and the practice of the higher values, or that it require the sacrifice of the finer, more spiritual impulses in order that the individual may live. The individual finds such support in the family and to a lesser extent in other groups. The family, too, is an economic organization, but it somehow finds it possible to subordinate the economic to the spiritual. This should be the case in the great community if man is to find full security for the highest interests.

The failure of the great community in this respect is shown by the various devices which are being tried in order to achieve security. In most of these perhaps the economic motive is uppermost. Other factors, however, while under the surface, exercise strong influence—fears, not simply of physical want but of loss of position, status, fellowship, and their consequences, particularly to one's family.

A commonplace device is membership in a more limited association. This has been the chief source of security, and in an age of individualism the presence of a strong tendency in this direction is evidence of the limitations of such individualism

from the social standpoint. The traditions and the ideals of economic independence make almost necessary the subordination of other values to this one. But it is obvious that security gained in this way, while very satisfactory for those who actually acquire economic independence, is not adequate for the needs of masses of people. The individual therefore faced with circumstances which he cannot control, and unable to use his own powers to win a secure place, resorts to various devices to supplement his individual powers. The labor union is in part, at least, such a device. It is meant to give the individual security—of work, of wages, and of tenure—which he cannot secure alone. Unions and associations of various types are formed for the purpose of securing the interests of a special class. In place of the community as a whole being the support of the individual there is a tendency to the formation of smaller communities within the great community. These represent special interests and often oppose each other and the general good. The mother-community therefore tends to disintegrate and the ultimate source of security to disappear. There seems to be at present a tendency for individuals to look largely to special groups for security and protection—for the very sources and ends of their life often—rather than to the larger whole. A single loyalty tends to give place to a plurality of loyalties, merely. The single authoritative sanction disappears. Those who seek the solution of the problem of modern statehood in a plurality of sovereignty seem to have given up the problem of the relation of the individual to the community as a whole.

The growth of class consciousness which is rightly feared and deplored is due in large measure to the lack of security for the individual. The consciousness of the individual will be the consciousness of the group which is the source of his life and the protector of his interests. If individuals are dependent upon a group for their very existence, consciousness will be transformed accordingly.

Another source of security in modern life is insurance. This is a device to buy security. It is one of the greatest of modern inventions. If it were possible for every individual to buy security it would be a great aid in the development of the values of individualism, supposing that men could meet the test of complete independence. But this device has very great limitations. Economically it places a very heavy burden upon society itself. It may be that society can be placed upon a financial basis in this respect and that all men may find a substitute for those personal sources of security which he has usually relied upon. This form of protection has thus far been gained by a small minority only. It is not possible now for all men to buy such protection. Insurance that is not paid for from the profits of a business is hard to carry. It is not, however, a mere business proposition. Much insurance is merely a modern way of escaping the fears due to an individualistic and economic society. It is a substitute for the spiritual support which a more personal form of society furnished. It is a phase of the problem of whether or not man can in fact become independent of his fellows and change the personal basis of association and intercourse to an impersonal one. Can man become his own keeper and thus escape an ancient and onerous obligation?

It is in connection with man's ideal interests that the problem of security is often most acute in modern life. He has perhaps greater physical and economic security than at most periods in history though in view of the conditions in Europe this may not be true. But does the modern individual *feel* secure? For after all it is a sense of security which is often most needed.

If man is to have peace and contentment, if his creative energies are to be released, that which he holds as most precious must somehow be secured. Man has always been the prey of fears. This is the emotional reaction of his dependence and

insecurity. The chief value of community life is to remove these fears and to release the creative impulses of man. But only the community that is based upon community of spirit, of shared interests and values, in which the individuals are members one of another, is capable of giving this security. Such a community man has often projected in imagination, as, for example, Royce's Beloved Community, Paul's Invisible Church, and the Utopias. We may not hope to achieve any such idealizations at once. Nor is the solution in forms of insurance or in the usual type of association, for these are mostly for the purpose of economic security merely. The solution can come only through the progressive embodiment of the ideal community in more limited communities, the end of which is not the satisfaction of some special interest but the expansion of the ideal to include the whole.

One institution or community—it is perhaps more of an institution than a community in modern life—which ought to be the great instrument in this program is the church. Religion is an all-inclusive human interest and sentiment. It transcends all distinctions and all specially restricted fields of life. It stands for the final, the highest, interest of the individual. The church claims to be able to secure for him his most precious values and to make him the possessor of complete security. Not that it claims to give him economic security, but it does claim to give him a sense of security to secure those interests for which all else would be cheerfully sacrificed.

It is to be feared that the church is not bringing to men the degree of security and happiness and peace which it might, in the light of its history. It is not always that membership in the church means that one is in a community fellowship. The relations between individuals in the church—social, economic, and intellectual—are not always affected by such membership. He is among others, but not so often of them as should be the case in a genuine spiritual fellowship. The ideal demands of the individual are not secured by such association. He does not

find the full support necessary if an impulse to sacrifice all for an ideal good is to be strengthened. Here as elsewhere he must learn caution. This is because the church takes its color from contemporary life rather than from the life of the Invisible Church. Nothing would so effectively give the modern individual a sense of security and the capacity for achievement of Christian values as to know that the church of which he is a member would at all costs seek those values. "Come toil on toil; 't is this that makes her grand; Peril on peril; and common states that stand in caution, twilight cities, dimly wise, ye know them for no light is in their eyes." It is only rarely that an individual is capable of standing with the support of an ideal community only. Common men need the firm support of their fellows in the flesh. The church ought to furnish both the human and the ideal community from which the individual might draw the sources of his life in its highest ranges. It ought to be, it has been in the past, and it may be in the future, the unfailing support of man's best impulses and aspirations. Man is capable of infinite sacrifice of his lesser interests and values if only the higher be safeguarded. The church by its history and by its claims should lead the way in this age of scattered loyalties and spiritual confusion and uncertainty.

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CURRENT RELIGIOUS THOUGHT AND MODERN JURISTIC MOVEMENTS

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Man's attempt to obtain aid from his environment in the struggle for existence at times takes the form of religious search, at other times it assumes the character of scientific inquiry. The range of religious investigation has narrowed through the progress of science, which today does much of the work of religion in previous times;[1] so also in the field of law. The legal order today has wrested from religion much of its territory, either in enabling human beings to live more harmoniously with one another or in securing to them a greater surplus of the economic wealth of the group. The advance of both science and law in these directions has been made possible largely because of the liberalization of the religious mind itself as it became more intelligent in defining or delimiting these various fields. The religious spirit is, then, most vitally interested in that phase of environment which is denominated legal, and, either by positive and constructive effort or negative and destructive inertia, attempts to influence it.

In attempting to show what is the influence, if any, of current theological thought upon leading developments in the law and its philosophy in the present, it must be borne in mind that from the very nature of the case mathematical certainty cannot be obtained. We live too close to the social mind of the present to obtain proper perspective; we are handicapped in our analyses by living in the midst of it. The utmost which can be safely predicated is that here in a given instance is to be found a dominant mode of religious thought, while

[1] Two excellent works illustrating this development are Fiske, *The Idea of God as Affected by Modern Knowledge*, and Hocking, *The Meaning of God in Human Experience*. Very suggestive also are Gwatkin, *The Knowledge of God and Its Historical Development*, and Youtz, *The Enlarging Conception of God*.

at the same time in the law a similar juridical development; and, with the knowledge that man's life is inextricably interwoven with the social forces and thought-forms of his time, we may plausibly infer that the juridical movement is a result of the religious, or that both are manifestations of a fundamentally identical social mind.[1] At the same time, one must not minimize the influence of other factors—such as the economic, the philosophical, and the social—which may have shaped and crystallized legal rules and institutions.

THE SOCIAL MOVEMENT

A fundamental presupposition of the dominant religious mind is that the present social order not only must but can be Christianized.[2] The meaning of this is that the object of the church and religion is not only to save the human soul in a future world but to save the human being in the present, through social betterment. By means of minimum-wage legislation, workmen's compensation, shorter hours of employment, factory inspection, limiting the power of the creditor or injured party in securing satisfaction, prohibition of child labor, limitations on freedom of contract, and other modern ameliorative measures, the religious spirit is attempting to secure a social rather than a legal justice.[3]

[1] The outstanding elements of the modern religious mind may be analyzed as being the following: The scientific and historical; the social program; the divine immanence; the element of democracy; the elements of secularity and humanity; the movement toward church union; the missionary program; and the element of rationality. For suggestive discussion of these matters consult H. C. King, *The Moral and Religious Challenge of Our Times, Theology and the Social Consciousness,* and *Reconstruction in Theology;* G. A. Coe, *The Religion of a Mature Mind;* Youtz, *The Enlarging Conception of God;* and G. B. Smith, *Social Idealism and the Changing Theology.*

[2] The titles of the various books advocating this social gospel are very suggestive. Consult Rauschenbusch, *Christianizing the Social Order, Christianity and the Social Crisis,* and *A Theology for the Social Gospel;* G. B. Smith, *Social Idealism and the Changing Theology;* Dickinson, *The Christian Reconstruction of Modern Life;* Peabody, *Jesus Christ and the Social Question;* King, *Theology and the Social Consciousness;* and Shailer Mathews, *The Church and the Changing Order.*

[3] That the enumerations given are among the present elements in the law, which has been called "The Socialization of Law," consult Roscoe Pound, "The End of Law as

It is a far cry from the viewpoint of primitive Christianity to the social Christian movement of the present; the contrast between the two aids in bringing out more forcibly the dominant current of the present. The early Christians as well as antecedent movements in Hebraism were completely dominated by messianic ideas of the speedy ending of this "present evil age" and the miraculous establishment of the kingdom of God.[1] The present social order was disregarded, and the concern of men was to inquire what God required of those who were soon to become citizens of an other-worldly kingdom, and not what ought to be done to make this world a better place in which to live.[2] And throughout the development of the early Catholic Church, before it was made the state religion under Constantine, there is to be found this apocalyptic movement combating the growing tendency to disregard it. With the exception of certain minor sects, during the Middle Ages messianism largely disappeared so far as the idea of imminence was concerned, but the viewpoint still was that the chief concern of man was to prepare for the next world, not to improve the present one. In the days of the religious revolution of

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Developed in Legal Rules and Doctrines," *Harvard Law Review*, XXVII, 195; and it is more than striking that it is Dean Pound's belief, as well as that of other sociological jurists, that the present age seeks a social rather than a legal justice. See his article "Social Justice and Legal Justice," *Central Law Journal*, LXXV, 455. See also Duguit, *Les transformations générales du droit prive depuis le code Napoleon* (translated in Vol. II, chap. iii, of Continental Legal History Series).

For the socialization of the law on the Continent, see *German Civil Code*, pp. 528–29, 829; Charmont, *Le droit et l'esprit democratique*, chap. ii; Stein, *Die sociale Frage im Lichte der philosophie*, 2 ed., pp. 457 ff.

For full bibliography with reference to the social movement in the law, consult Pound, *Outlines of Lectures on Jurisprudence*, pp. 43–44.

[1] Innumerable passages in the New Testament show vividly this expectation of the early Christians. Consult I John 2:18; I Thess. 4:13–17; II Thess. 2–10; II Tim. 3:1–5; I Peter 4:7; I Cor. 15:50–58; Luke 21:28, etc. See also Shailer Mathews, *The Messianic Hope in the New Testament;* Case, *The Evolution of Early Christianity*, chap. i; and Troeltsch, *Die Soziallehren der christlichen Kirchen und Gruppen*, pp. 1–83.

[2] This notion that human effort could not be efficacious in improving the social order of an inherently evil world is to be found to some extent from the beginnings of history even to the present time. Consult Case, *The Millennial Hope*, chaps. i–v.

the sixteenth century messianism and apocalypticism again flourished,[1] becoming once more checked through the religious controversies over doctrine and church polity and the growth of rationalism, combined with the emphasis which the religious leaders placed upon certain metaphysical doctrines, as divine sovereignty and election. Although in the nineteenth century religious pessimism again blazed forth in some quarters through the revival of messianic teachings,[2] the dominant tendency of the religious mind became represented by Arminianism, Pietism, Quakerism, and Methodism, in the emphasis which each of these placed upon a religious life and upon the worth of the individual man.[3] On the legal side it was an age of property and contract, of industrialism and commercial expansion, and it was not until the present time that the religious spirit succeeded in securing partial recognition by the law of the social interest in the individual moral and social life.[4]

With regard to social reform, then, the religious mind of the present believes fundamentally in the efficacy of effort, that the world can be made a better place in which to live. It recognizes that the inherited religious doctrines, formulated

[1] K. Kautsky, *Der Kommunismus im Mittelalter und im Zeitalter der Reformation;* Bax, *The Social Side of the Reformation in Germany;* and Rauschenbusch, *Christianity and the Social Crisis,* chap. ii.

[2] Reference is made to those messianic movements inspired by the teachings of the Irvingites and Darbyites and Joanna Southcott in England, and of the Millerites, Latter-Day Saints, and Russellites in America.

[3] The influence of the Christian Socialist party in England under Maurice and Kingsley is set forth by T. C. Hall, *The Social Meaning of Modern Religious Movements in England* (1907). For the literary prophets of the social ideal, reference may be made to V. C. Scudder, *Social Ideals in English Letters;* for a similar treatment in America, consult C. R. Henderson, *The Social Spirit in America.* A number of other works are suggestive, as Brandes, *Main Currents in Nineteenth Century Literature;* Francke, *A History of German Literature as Determined by Social Forces* (1907).

[4] It is interesting to compare the negation of juristic effort, as taught by the historical school of jurists, who were dominant in the nineteenth century, with the similar idea of religious pessimism to be found in messianism, which was quite strong in the same century. For the religious movement consult Case, *The Millennial Hope,* chap. iv; for the historical school, see Roscoe Pound, "Scope and Purpose of Sociological Jurisprudence," *Harvard Law Review,* XXIV, 591; XXV, 140, 489.

in a past age, must be restated and reinterpreted in order to function for the needs of the present. The individual is not merely to be saved from a world regarded as hopeless, but the world itself is to be regenerated and Christianized by religious forces.[1]

BIBLICAL CRITICISM AND LAW

Involved in the conception that the present social order may be regenerated and Christianized by the conscious and purposive efforts of man, is the altered viewpoint with respect to the authority of the Bible or the literary sources of present-day religion. This new conception is strikingly illustrated in the support which the religious mind today gives to efforts of the state to enact laws dealing with health and prevention of disease, and to the problems arising out of the institutions of the family, particularly in marriage and divorce.[2]

The older theological conception of an authoritative, legalistic scripture, interpreted by an official ecclesiasticism, has been a bane to progress of thought in many spheres; the his-

[1] Sociological jurisprudence and social theology are in many respects fundamentally identical with regard to restating the inherited legal and religious doctrines and dogmas, in order that these shall function for the needs of the present. A leader of the social theological group, Shailer Mathews, and the most prominent exponent of sociological jurisprudence, Roscoe Pound, treat the past in law and theology in a strikingly similar manner, though each has worked independently of the other and in a different field. The former regards theological dogmas as the result of certain creative, social minds the Greek, Semitic, imperialistic, feudal, nationalistic, bourgeois, and social and democratic. See his article, "The Social Aspects of Theology," *Biblical World*, June, 1915; also "The Historical Study of Religion," in G. B. Smith, *A Guide to the Study of the Christian Religion*. Dean Pound likewise regards legal doctrines and institutions to have been formulated by different social groups in the past, which he terms "Primitive," "Strict," "Equity," "Maturity," and "Socialization" of law. See "The End of Law as Developed in Legal Rules and Doctrines," *Harvard Law Review*, XXVII, 195; also "End of Law as Developed in Juristic Thought," *ibid.*, XXVII, 605; XXX, 201.

[2] Some religious organizations and religious leaders, while admitting the Bible is no longer authoritative where the physical or biological sciences are involved, nevertheless refuse to adopt this position in dealing with sociological problems, as of marriage and divorce. But the dominant religious mind certainly does not draw this distinction. A. Houtin, *Histoire du modernisme Catholique*, chap. ii.

tory of the freedom of thought is replete with examples of this unfortunate viewpoint.[1] The older theology descried efforts to control disease through the imposition of laws relating to compulsory vaccination and sanitation, or the requirements of standards to practice the medical profession. Disease was an inherent part of nature itself, the penalty for man's sins; as human history was supernaturally controlled and governed, so disease could not be eradicated except by miraculous intervention of deity.[2] The world was in the grip of the devil and his hosts and of demons who caused disease and death; behind this thought was the proof of authoritative scripture itself.[3] Hence, hostility arose to state activity, which sought to improve these conditions, or there was indifference to a program of reform; and this religious viewpoint, combined with an extreme individualism, which thought that every person had a natural "right" to practice any calling he chose, obstructed the pathway of the state and law in these matters. So also with respect to the juridical movement to enlarge the grounds for divorce, the religious notion was that scripture being law and it having provided, while the parties were alive, only one ground for the dissolution of the marriage status, the state was outside its sphere in arrogating to itself the authority to extend the

[1] It was a long and bitter struggle between liberals and orthodox theologians before the Bible was finally restricted entirely to religious matters—its true function. With regard to the opposition in orthodox religious circles to the employment of the historical method in biblical and ecclesiastical history, consult A. D. White, *A History of the Warfare of Science with Theology*, chap. ii, pp. 288–396; see also Houtin, *La Question biblique chez les catholiques de France en XIX^e siècle; La Question biblique au XX^e siècle;* Kübel, *Geschichte des katholischen Modernismus.*

[2] For a long time there was opposition to the use of anesthesia. The orthodox argument was that it was circumventing the divine plan of suffering or pain as a means of reminding fallen man of his sins. Happily, however, some scientist was able to prove scriptural support for anesthesia in the fact that when God created woman, he caused a "deep sleep" to fall upon him (Adam), before removing the rib. See A. D. White, *op. cit.*, p. 127.

[3] On the modern discrediting of miracles, consult Wendland, *Miracles and Christianity;* Whiton, *Miracles and the Supernatural;* Stange, *Christentum und moderne Weltanschauung*, Vol. II.

possibility of divorce.[1] There was absent the conception, given us by the historical school of religion, that the scriptures embodied both divine and human elements and were not meant to govern the social customs and institutions or the pursuits of scientific inquiry in the twentieth or any other century.[2]

Thanks, however, to the inestimable results of sane biblical criticism, the Bible as the literary source of the religious spirit was restored to what was regarded its original position, namely, as a record of the experiences of religious persons with a vivid God-consciousness, from whom others in the quest for religious solace and comfort might refresh and inspire themselves for life's ills and activities.[3] The authority of the Bible became an authority of the spirit instead of the letter, a religious guide and not a law governing all the intellectual pursuits and social practices of men. It was gradually therefore believed—and is the dominant religious viewpoint—that social practices have very little to do with religion itself,[4] or that a particular theological doctrine had soteriological efficacy; but that the essential thing, the fundamental presupposition, involved in being religious was the life which it created in man.[5] More and more science and natural methods, including legal programs,

[1] The absolute separation of State and Church was a prominent idea from not only the time when the First Amendment to the Federal Constitution was enacted, but even down to recent times, although at present this idea seems to be somewhat modified. See *infra*.

[2] For the historical school of religion, consult Jastrow, *The Study of Religion*, containing besides valuable information an admirable bibliography. See also the dictionary *Die Religion in Geschichte und Gegenwart*, article "Religionsgeschichte und Religionsgeschichtliche Schule; Troeltsch, "The Dogmatics of the Religionsgeschichtliche Schule," *American Journal of Theology*, XVII, 1–21.

[3] For the present results of sound biblical criticism reference is made to A. C. Zenos, *The Elements of the Higher Criticism; Die Religion in Geschichte und Gegenwart*, article "Bibelwissenschaft"; and A. D. White, *History of the Warfare of Science with Theology*, chap. ii, pp. 288–396.

[4] "Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices." Waite, C. J., in *Reynolds* v. *United States*, 98 U.S. 145, holding valid a federal statute against polygamy in opposition to the claims of an adherent of the Mormon church that the statute conflicted with the First Amendment to the Federal Constitution.

[5] For this viewpoint consult Selbie, *Schleiermacher: A Critical and Historical Study;* Cross, *The Theology of Schleiermacher;* Garvie, *The Ritschlian Theology;* J. Orr, *The Ritschlian Theology and the Evangelical Faith;* Wendland, *Albrecht Ritschl und seine Schüler.*

replaced religious efforts to overcome and control environment or to cure the ailments of the individual or of society. Instead of praying out the weeds from his farm or garden, or asking miraculous intervention to allay his bodily ills, the modern religious man first called upon the man of science for aid, or upon the state, which, through laws and science, made possible the remedying of these situations. Crop bulletins issued by the states or federal government; boards of health, requiring vaccination and sanitary observances; calculations of the weather bureau; publication of vital statistics and scientific inquiries into social conditions; the enactment of eugenics laws—these were the aids which the religious individual of the present fostered and sought for in attempting more efficiently to adjust himself to his social and physical environment.[1]

Moreover, instead of assuming, as did the older theology, that the poor and unfortunate were a part of the social order of nature, affording stimuli to the more fortunate and religious "unto good works and thankfulness," the more modern religious man seeks through law to impose upon employers engaged in hazardous enterprises liability without fault and to provide for workmen's compensation, thus making possible a better and more livable existence.[2] In all these developments, though the cause is beneath the surface and is not always consciously expressed, it is believed that this altered viewpoint with reference to the scriptures is an efficient factor.[3]

[1] In *Petersen* v. *Widule*, 157 Wis. 641, a statute was upheld requiring from men only a certificate of freedom from venereal disease as a condition to marriage, the court saying: "I cannot imagine how this law can be said to interfere with worship or liberty of conscience. The notion that marriage was a sacrament, not a civil contract creating a status, once vigorously asserted, has long since passed away."

[2] "Juristic Theory and Constitutional Law," *Harvard Law Review*, XXXIII, 86. For the extent to which minimum-wage laws have been passed, and their constitutionality, consult "Legislative Minimum Wage for Women and Minors," *ibid.*, XXVIII, 89; and "Judicial Acceptance of Workmen's Compensation," *ibid.*, XXIX, 199. The federal Supreme Court recently held invalid the minimum wage law of the District of Columbia in *Adkins* v. *Childrens Hospital*, 261 U. S. 525.

[3] For further discussion see Shailer Mathews, *The Church and the Changing Order*, chap. iii; *The Gospel and the Modern Man*, chaps. iv–v.

How the abandonment of the idea of biblical legalism has affected ideas of marriage within the prohibited degrees is shown by the fact that today the general principle

CHANGING VIEWS OF RELIGION AND OF LAW

Present theological thought travels along parallel lines with sociological jurisprudence in the emphasis which the former places upon the concrete or actual and in minimizing the value of the metaphysically correct or abstract. An a priori or intellectual formulation of the nature of Christianity, of God, of religion, or of sin, is abandoned; just as sociological jurists refuse to define in all comprehensive or inclusive terms the nature of law.[1] Likely none of these ultimate conceptions, which, in the words of Mr. Justice Holmes, are but the skin of human thoughts varying from age to age,[2] will ever be

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seems to be that mere affinity itself will not prohibit the formation of a valid marriage contract, in the absence of any other prohibitions. The Levitical Law was early adopted in England by the ecclesiastical courts. The statute of 32 Henry VIII, chap. xxxviii provided that "nothing, God's law excepted, shall impeach any marriage but within the Levitical degrees." The Levitical Law interdicted marriages based upon affinity (Lev. 18:6–7, 14, 15), with the exception that a brother surviving death of another brother was compelled, under certain circumstances, to marry his brother's widow (Deut. 25:5–10), the object being to perpetuate the name of the decedent's family. For the way in which American law has generally refused to follow the Levitical distinctions with reference to affinity see Peck, *Law of Persons and Domestic Relations*, pp. 131–33; incestuous marriage as void or voidable, L.R.A. 1916, C. 723–32.

Courts usually take judicial notice of the fact that it is the common belief of the great mass of people that vaccination is a preventative to many diseases. See *Commonwealth* v. *Jacobson*, 183 Mass. 242, 197 U.S. 11. And the fact that an individual may have religious scruples against the use of medicines for his children does not excuse him in the eyes of the law if he has failed to make adequate provision for them, *Owens* v. *State*, 6 Okla. Crim., 110, also 27 A.C. 1218, 1221.

[1] "Every age has its own 'Christianity,' the specific traits of which are due to the working over of inherited beliefs under the pressure of new problems. . . . . There is no fixed authoritative type. Christianity is always in the making." G. B. Smith, *A Guide to the Study of the Christian Religion*, p. 506. For a clear discussion of the developmental character of Christianity see Case, *The Evolution of Early Christianity;* also Troeltsch, "Was Heisst Wessen des Christentums?" in *Christliche Welt* (1903), cols. 443 ff; and *Die Absolutheit des Christentums und die Religionsgeschichte*. Compare a similar idea as to the nature of law by Roscoe Pound, "Theories of Law," *Yale Law Journal*, XXII, 114. See also the viewpoint of the metaphysical jurists, particularly as enunciated by the neo-Hegelians, in Kohler's *Lehrbuch der Rechtsphilosophie*, 3d ed., chap. i. With reference to the altered viewpoint regarding the nature of God consult Johnson, *God in Evolution;* Hocking, *The Meaning of God in Human Experience;* and for new views in religion see Foster, *The Function of Religion in the Struggle for Existence.*

[2] *Towne* v. *Eisner*, 245 U.S. 418, 38 S.C.R. 159.

absolutely or completely solved. Why, therefore, should present-day theological thought, with its rich experience from the mistakes of the past in these fields concern itself in purely intellectual mysteries to the neglect of the concrete religious needs of the individual and of the social group?

The individual and his religious needs must together work out an experiential, individualistic conception of God, based upon companionship with a "power not ourselves making for righteousness." So also the economic needs of the individual and not some abstract notion of liberty of contract or no liability unless faults are made the criteria of present jurisprudence in enacting new social legislation or upholding it after it is passed. The nineteenth century, a century of expanding commerce not yet ended, unduly stressed the rights of property and contract to the neglect of the economic and moral needs of the individual.[1] On the contrary, the twentieth century, in an era when religious ideas of the eternal worth of man as a potential member of a divine kingdom of God are dominant, is once more seeking to restate and refashion the inherited law in order to satisfy to the individual and group a maximum of wants with the least sacrifice of others; law is a means to an end, rather than an end in itself. Whether religious leaders have consciously in mind the various special movements in the law to realize this objective may be doubtful; but the end is certainly articulate and finds definite expression.[2]

The older theology, with its belief that the Old and New Testaments were equally authoritative in all their utterances, took its conception regarding the sanction of law from the supposedly divine content as revealed in the Mosaic moral code.

[1] Rudolf Jhering, *Scherz und Ernst in der Jurisprudenz*, 9th ed., p. 408.

[2] The movement toward Christian union, coming largely from the mission field, but also from a consciousness that doctrinal differences should not be a wall of separation, is an example of the tendency to abandon metaphysical doctrinal correctness and to emphasize a program of concrete social improvement. See *Reports of Edinburgh World Missions Conference; Publications of Federal Churches of Christ;* and *Investigations of the Interchurch World Movement into Conditions in the Steel Industry;* also J.S. Dennis, *The Modern Call of Missions*, chap. ix. "Union Movements in Mission Fields."

We observe a similar idea in the time of the Middle Ages as expressed in the thinking of Aquinas, and see its revival in the sixteenth century by Melanchthon. The notion is that all positive law, as it has been enacted by the sovereign, or expounded by the judge, is merely an unfolding or amplification of certain eternal principles once given by divine revelation. But, today, with the viewpoint that the Old Testament is merely a record of the experiences of only one Semitic race, very similar to that of surrounding nations; and, with the discovery that the Mosaic legislation appeared quite late in the history of mankind and can be found in substance before this time in the clay tablets and monuments of antecendent races, as these have been unearthed by the pick and spade of the archaeologists—the belief with reference to the sanction and nature of law has been profoundly altered.[1] The idea is prevalent among religious leaders that law, as we have inherited it, is after all only some convenient arrangement which will best meet the needs of the present moment; it has no peculiar sanctity or sacredness; it embodies no eternal and unchangeable principles; it is the creation of society itself based upon experience how a particular rule or standard works out; it is not something given to men. Sociological jurisprudence, while not stressing any particular conception with reference to the sanction or nature of law, is fundamentally in sympathy with the religious viewpoint. For this school of legal philosophers also

[1] A wealth of material setting forth the discoveries of archaeologists and their bearing on the Old Testament may be found in the following: Breasted, *The Development of Religion and Thought in Ancient Egypt;* Jastrow, *Die Religion Babyloniens und Assyriens;* Rogers, *The Religion of Babylonia and Assyria;* Bade, *The Old Testament in the Light of Today;* H. Preserved Smith, *The Religion of Israel: An Historical Study;* Marti, *The Religion of the Old Testament: Its Place among the Religions of the Nearer East.*

For environmental influence upon the statement and formation of early Christianity consult E. Hatch, *The Influence of Greek Ideas and Usages upon the Christian Church;* S. J. Case, *The Evolution of Early Christianity;* Schürer, *Geschichte des jüdischem Volkes im Zeitalter Jesu Christi;* Kennedy, *St. Paul and the Mystery Religions;* Cumont, *The Oriental Religions in Roman Paganism* and *The Mithraic Mysteries;* and Dill, *Roman Society from Nero to Marcus Aurelius.*

regards the law merely as that which will most conveniently meet the largest number of human wants, consistent with social advantage or benefit, with the least sacrifice of others; it does not regard the law as we find it to be something given to men, incapable of improvement by human effort; but, on the contrary, it thinks the law is a product of increasingly conscious, determinate human will, capable through intelligent effort of being made more and more efficacious for the purposes of man.[1]

Not only has the modern religious individual passed under the complete domination of the scientific mode of viewing the universe and its problems, but, due to the doctrine of biological evolution, he has taken a view of dogmas and institutions which is formulated in relative and not in absolute or final terms. Whatever may be the truthfulness of this relative viewpoint, the fact nevertheless remains that religious thought, and likewise legal philosophy, has been colored by its presence in our world of thought.[2] No longer does the liberal religious mind hold that finality or absoluteness in religious doctrines or institutions has been reached; the inherited dogmas are being re-examined in the light of the religious needs of the present.[3]

So also there has been a similar development in the field of law and modern juristic thought. Old premises are being called in question and much of the common law of our ancestors is being found inadequate to govern the complex activities and new conditions of today.[4] Even conservative England is

[1] Albertsworth, "The Changing Conception of Law," *American Bar Association Journal*, November, 1922; "The Program of Sociological Jurisprudence," *ibid.*, July, 1922; Munro Smith, "Four German Jurists," *Political Science Quarterly*, X, 664; XI, 278; XII 21; Jhering, *Law as a Means to an End*, pp. 330–32.

[2] E. C. Moore, *Christian Thought Since Kant*, chaps. iii and iv: Stammler, *Lehre von dem richtigen Rechte*, chap. iii.

[3] For suggestive remarks why the traditional religion needs revision consult McGiffert, *The Rise of Modern Religious Ideas; Protestant Thought before Kant;* G. B. Smith, *Social Idealism and the Changing Theology;* G. B. Foster, *The Function of Religion in Man's Struggle for Existence.*

[4] Albertsworth, "The Need for New Premises in the Law," *American Law Review*, LVI, 17.

overturning its entire body of antique real-property law.[1] Worked out in a simpler, more unified and homogeneous age, it is found by many thoughtful legal scholars that some of the inherited legal doctrines and institutions and modes of reasoning do not function in the present. The doctrine of the separation of governmental functions is no longer thought to be one based upon metaphysical conceptions as to the nature of government; it has yielded to the exigencies of governmental and business needs. The old legal doctrine of liability for fault only has crumbled in many directions before the onslaught of social and religious reformers in behalf of the poorer and more unfortunate classes. And so have fared other doctrines or premises of the common law, as assumption of risk, contributory negligence, and the fellow-servant rule.

In all these developments and changes in the law it is seen that the old Puritan notion of an abstract man, governed by an objective standard of freedom and moral responsibility and therefore liable for his acts, has passed away in many fields of the law, and in some others is slowly expiring. On the contrary, the individual as he is found living in human society in the struggle for existence is made the object of both religion and law in working over inherited religious dogmas and legal doctrines; systemic or metaphysical treatment of both are sacrificed to the economic and moral needs of the human being.[2]

THE IMMANENCE OF GOD AND LAW REFORM

The immanence of God is a leading conception of present-day religious thought. It has two meanings: one a philosophical or metaphysical one, synonymous with pantheism; the

[1] Hudson, "Current Law Reform in England," *Harvard Law Review*, XXXIV, 640; also *Law Quarterly Review*, XXXVI, 107; *American Bar Association Journal*, VIII, 485.

[2] "If the scheme of legal conceptions does not express what the consciousness of right brings to the surface in practise, then the scheme of legal conceptions must be altered, for it is false or out of date." Sternberg, *Allgemeine Rechtslehre*, I, 190–91. Compare a similar idea among present religious leaders in McGiffert, *The Rise of Modern Religious Ideas*, chap. ii.

other a more purely religious meaning of a God who is the untiring co-worker with men, always dynamically present in their spiritual endeavors. It is said by some liberal theologians that our inherited doctrine of God as an absolute sovereign, governing the world and human relations by inscrutable laws and decrees, comes from a time when politically it was an age of divine right of kings who could not be called to account by the people.[1] As a consequence, due to the transcendence of God in either theism or deism, there was absent the present conception of a God working with man—in fact, needing him —to improve the present world; and, when with this conception of God there was combined the further notions of apocalypticism and chiliasm, the belief became more pronounced that it was futile and useless to attempt to improve through human effort and law the existing social order.[2] It would be interesting to study what connection, if any, existed between this mode of religious thought and a similar view in legal philosophy as expounded by the historical school of jurists, who placed little faith in the efficacy of human effort to change the existing law. In the present, however, in the words of a liberal theologian, representing the dominant religious mind:

> Men who believe in democracy insist on worshiping a God whose excellence is to be found not in an aristocratic "sovereignty" but rather in a self-sacrificing identification of himself with his children in their

[1] Gerald Birney Smith, *A Guide to the Study of the Christian Religion*, p. 516; also in same work, Shailer Mathews, "The Historical Study of Religion," pp. 51 ff. The Greek conception of a metaphysical, unchangeable Absolute and the Hebraic conception of an anthropomorphic Being came together at Nicea in 325 A.D., and resulted in the formulation of the received dogmas of the Trinity. This dogma was perpetuated by the Medieval Church and the Schoolmen and taken over by Protestantism. That it has profoundly influenced the belief regarding the sanction of law as fixed and unchangeable see my article in the November, 1922, number of the *American Bar Association Journal*, "The Changing Conception of Law."

[2] The Natural Law School of Jurists, with their belief that law represented certain unchanging, eternal principles of justice and right, formulated a juristic theory that the purpose of law was to maintain the social status quo in legal institutions and doctrines. See Pound, "The End of Law as Developed in Juristic Thought," *Harvard Law Review*, XXVII, 605; XXX, 201. The effect of the historical school was the same, as it identified the received or inherited law with natural legal institutions and doctrines.

endeavors after righteousness. . . . . No longer do we seek the aid of personal cosmic spirits in practical life. . . . . The anthropomorphism of former days is inapplicable to our present situation.[1]

A natural concomitant of this view of the divine immanence has been to annihilate the sharp antithesis between the sacred and the secular, the present and the future, the human and the divine. A greater appreciation of the worth and sanctity of the present natural or social order, as well as man himself, is found in the thinking of the modern religious individual. That this idea is behind the movement in the law to conserve natural and human resources is at least arguable. All life and activity is now miraculous and supernatural in that it represents the outworking of an immanence making for individual and social righteousness. Through not only religion but also through law, by improving the existing social system, conserving natural and human resources, and making this world a better place in which to live, is man able to assist in the process of a divine, immanent teleology.[2] Troeltsch, in pointing out the difference in viewpoints between the medieval and modern religious mind, says:

A valuation of the present world for the sake of the riches and beauty of the world, an estimation of the goods attained in the progress of civilization because of an independent ethical value attaching to them, is consequently impossible. But precisely such a valuation of these things is the characteristic feature of the modern feeling toward the world and civilization.[3]

It would be an interesting study to ascertain what influence this dynamic and evolutionary conception of God may have had upon statesmen, lawyers, and judges, and the younger genera-

[1] G. B. Smith, *A Guide to the Study of Religion*, pp. 514, 517.

[2] For further study, consult Hocking, *The Meaning of God in Human Experience;* Wobbermin, *Der christliche Gottesglaube in seinem Verhältniss zur heutigen Philosophie und Naturwissenschaft;* Johnson, *God in Evolution;* and Youtz, *The Enlarging Conception of God.*

[3] *Protestantism and Progress*, p. 77. For further literature see Gladden, *Ruling Ideas of the Present Age;* Freemantle, *The Gospel of the Secular Life;* Bowne, *The Divine Immanence;* and G. B. Smith, *Social Idealism and the Changing Theology*, chap. ii.

tion who are only now beginning to follow their footsteps, as the religious leaders of the present have enunciated this idea by written or spoken word. That in these professions and callings one may serve God acceptably; that there is no ecclesiastical monopoly of service in the church itself; that God needs the help of wise and thoughtful individuals in the body politic and in reaching an earthly kingdom of God—all these results might plausibly be said to flow from this changed conception with regard to the nature of God and the relationship he sustains to the world and man.[1]

THE DOCTRINE OF MAN AND LEGAL RESPONSIBILITY

There is another fundamental presupposition of the current religious mind which appears to be influencing the law in a profound manner; reference is made to the doctrine with respect to the nature of man and of sin. The soteriology of the past, which the present has inherited, presupposed the historicity of the fall of Adam and that mankind needed to be saved from the taint of original sin. The traditional doctrine of atonement was stated in terms of an age which thought differently from our own. "Without the shedding of blood

[1] "One who believes in the possibility of this co-operation with the divine purposes is stimulated to an optimistic idealism with surprising possibilities. One is not daunted by seemingly insuperable difficulties. . . . . While one prays that the Kingdom of God may come, one also rejoices in the opportunity to have a share in bringing in the better day."—G. B. Smith, *Systematic Theology and Christian Ethics*, p. 573.

Kohler has pointed out that psychic moods occur in society just as in the individual, in these words: "There are periods in which the inner life of men is entirely devoted to feelings and emotions, and in consequences their power of resolution become paralyzed, and the life that finds expression in deeds is almost completely suppressed. . . . . Religious fanaticism, which leads to an undervaluation of material things and to a congregationism and communism, based on complete severance from all earthly endeavors (is one of these psychic factors opposed to the altruism already mentioned)."—*Lehrbuch der Rechtsphilosophie*, pp. 22–24. See also Ross, *Social Psychology*, chap. iii.

The psychology of religion of the present has assisted in dispelling the traditional notion that mysticism or pietism is religion, and this new conception has undoubtedly led to the altruistic reaction in favor of the welfare of others. Ames, *The Psychology of Religious Experience*, chap. iv. As a consequence the doctrine of divine immanence in its emphasis upon service for others has been more influential than appears on the surface.

there is no remission of sin" may have meant something to an age which was accustomed to bloody sacrifice or capital punishment, but today, when neither of these ideas is favorably received by religious leaders, or even by some courts, the older theological doctrine has been profoundly modified.[1] Whether a liberal view be adopted that man, because of the immanence of God, is essentially good, free from original sin, or whether the viewpoint be that man though apparently sinful is in a process of development to a higher moral plane, the conception is that his sins are due to ignorance, heredity, physical conditions, or an unfavorable external environment; and that if these can somehow be remedied, even only partially, there will be less of crime and less danger to social security, with the consequent saving of the individual himself.[2]

The older theological thinking believed sin and crime in the world to be ineradicable, and that as a consequence the crime and not the criminal should be punished, in order not only to revenge the wrong done to the state, but also to deter the commission of similar acts by others; the approach was a priori or mechanical, and not a posteriori or scientific. Complete legal responsibility attached to a full moral responsibility, without investigation whether the individual could be saved to society, or whether society itself were to blame for his crime; essentially a being of original sin, the criminal was receiving only what he deserved through the penalties inflicted. Today, on the contrary, we desire to know what are the facts concerning heredity; whether moral delinquency is due to what we inherit or to the social environment and education of the individual. How much does an enfeebled body influence the

[1] Shailer Mathews has admirably shown how the various social minds of the past formulated the doctrine of God and Atonement in terms of social experience. See "Social Aspects of Theology," June, 1915, *Biblical World;* "Theology from the Standpoint of Social Psychology," *Journal of Religion*, III, 337.

[2] Asexualization by vasectomy as a penalty for the crime of rape is an indication of the present tendency to deal with the criminal having such propensities, thus individualizing the punishment and protecting society in the future. See *State* v. *Woodward*, 68 W.Va. 66; *State* v. *Feilen*, 70 Wash. 65.

commission of anti-social acts? Further, what is the effect of overcrowding and undernourishment?

> Poor eyesight or adenoids may so exclude a child from normal conditions of activity as to induce hopelessness and passionate attempts to find relief through lawlessness or trickery. Employees may be compelled by industrial conditions to do dishonest work, knowing that it is dishonest.[1]

The newer religious thinking of the present, in view of the data given us by psychology and sociology as applied in criminology, seeks to individualize the punishment consistent with the protection of the social group; to reform the criminal; to minimize the possibility of crime by juvenile court correction; by separate confinement of the more hardened criminal to protect the occasional offender;[2] through indeterminate sentence to administer mercy as well as justice rather than to wreak vengeance; and through boards of pardon to give the criminal a chance to redeem his life. The penitential system of the church is sought to be employed rather than the inherited legal conception of punishment to prevent crime. Saleilles tells us that in the penitential system of the church,

> It is not the crime but the criminal alone that is . . . . regarded. The legitimate purpose of punishment is to make of the criminal an honest man if that be possible; or, if not, to deprive him of the chance of doing further harm.[3]

The idea that man was essentially and inherently evil, tainted with the original sin of Adam's fall, has been shown to have colored the function of the judge in our Anglo-American law.[4]

[1] Smith, *A Guide to the Study of the Christian Religion*, p. 522. For literature on the changed conception of man and sin consult Rauschenbusch, *Christianity and the Social Crisis; A Theology for the Social Gospel;* Ross, *Sin and Society;* Vedder, *The Gospel of Jesus and the Problems of Democracy;* and Hyde, *Sin and its Forgiveness.*

[2] See *Annual Report of Federal Prisons Commissioner, 1922, to the Attorney General of the United States.* For the various reforms in criminal law enumerated above see *Journal of Criminal Law and Criminology*, Vols. X, XI, XII.

[3] *Individualization of Punishment*, pp. 10–12.

[4] Pound, "Puritanism and the Common Law," *American Law Review*, XLV, 811; *Spirit of the Common Law*, chap. ii; "The Pioneers and the Common Law," *West Virginia Law Quarterly*, XXVII, 1.

Puritanism is thus responsible for creating much of our present dissatisfaction with court organization and procedure and the administration of justice. But now, with the viewpoint that man if not essentially good, yet will do the right thing in his upward struggle, the religious thought of the times would favor greater freedom on the part of the judge or official as he administers justice; the older theological thinking assumed that man, if not controlled by rules of law or society, would do wrong; the newer religious thought assumes man will attempt the right, being controlled in his act either by tendencies of his better nature or the restraining influence of the group mind.[1] Hence, giving power to courts to make their own rules of procedure and enlarging their powers of discretion in the administration of justice, with but few superimposed legal rules, and in the enactment of declaratory-judgments laws and creation of small-claims courts for the poor and unfortunate to obtain justice, reflect not only the dominant desire for more speedy justice but also the religious viewpoint with regard to the nature of man and the further conception that in the interests of the individual and the advancement of the kingdom of God the substance of controversies and their speedy solution should be the desideratum.

CO-OPERATION BETWEEN CHURCH AND STATE

Besides the present tendency of the religious mind to co-operate with the state in securing social reforms, in some instances the church attempts to advance further by endeavor-

[1] Many of our received rules of law were crystallized under theological doctrines with reference to the inherent evil of man; such were the rules which forbade one testifying in his own cause; excluding hearsay evidence because the party was not under oath and facing the jury. The former has been completely abandoned, and the latter is being waived by contract between parties themselves, or statutes are conferring upon administrative tribunals power to consider hearsay evidence as well as other kinds. Liberal language is used by the courts today regarding the nature of man and his tendency to do right, which would have been condemned a hundred years ago. See the two cases of *National Exchange Bank* v. *Lester*, 194. N.Y. 461, and *Jones* v. *Bangs*, 40 Ohio St. 139.

ing to employ the state and the law to inaugurate some program of religious reform. In the past in American history, due to the existence of a strong religious individualism brought about by the struggles for religious liberty on the part of the colonists, the dominant attitude was that church and state should be kept separate. Neither was to encroach upon the legitimate spheres of the other; each had a specialized function to fulfil, with which the other could not, nor should, interfere. The less that the religious group had to do with law and the less that law had to do with religion the better for both.

Today, on the contrary, the idea is growing that both law and the state are social agencies to be used by the religious spirit in seeking to achieve its goal of a more perfect, ideal society here and now. In securing the enactment of prohibition legislation the religious forces quite naturally joined with others, but the impetus to this social experiment came largely from religious leaders and religious idealism. Again, the fundamental belief that war or the settlement of international differences by force can be considerably minimized if not totally prohibited through some league of nations or by some international tribunal or court has also its origin in the religious mind; finding justification for this belief either in some prophetic teachings of the Bible, perhaps given increased impetus by a religious reaction after a period of war, or in the conception that human effort, motivated by religious idealism, can make this a better world in which to live.[1] Moreover, it is observed that at times there are seemingly sporadic attempts made to secure legislation against Sunday labor in particular, and not merely for one day's rest in seven; but these attempts are by no means scattered or only occasional, for congressional records and other data show us that for several decades an organized movement has been in progress, and is still going on,

[1] It need hardly be said that the various schemes in European history for world-organization and international peace tribunals, as exemplified in the suggestions of Henry IV and Czar Alexander I, originated from religious idealism.

to accomplish this particular objective.[1] This belief that state and law must advance religious programs of reform is at times seen also in the efforts made by the less dominant religious mind to secure legislation against the teaching of certain scientific theories, as evolution and geology, in state universities, it being thought that in this manner religion will more certainly maintain its traditional or inherited dogmas.[2] While it is doubtful whether the dominant religious mind believes in the wisdom of this particular policy, nevertheless the effort itself to secure a closer co-operation between religious organizations and the state, reflects the attitude of the religious leaders generally.

Certainly, it must be admitted that the religious mind of the present is having its influence upon the law in many directions, and perhaps the full import cannot now be felt or understood. In the words of Kohler the present religious mind is one "when people devote themselves to the welfare of others . . . . and seek not only to raise up the man who is less favorably situated, but actually to indulge him."[3] It is not an age given over to a religious emotional life, but it is a rationally critical age, dissatisfied with the past and present in both religion and law, an age in transition in both fields, an age which believes its future is yet before it and therefore yet to be realized.

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[1] Reference is made to such organizations as the Lord's Day Alliance and the Federal Council of Churches.

[2] Compare the recent attempts made in some southern states to prohibit the teachings of evolution in state universities. *Science*, April, 1922.

[3] *Lehrbuch der Rechtsphilosophie*, pp. 22–24.

THE ETHICS OF THE PROBLEM

NORMAN BOARDMAN

One of the problems of ethics is that of developing the ethics of the problem. By this we mean the relating of various ethical concepts to the problem. Ethics is approached from the standpoint of the problem just as logic is approached from that angle. In logic we aim to determine the rôle of inference, judgment, data, meaning, hypothesis, etc., in the solution of the problem; likewise in ethics may we endeavor to group such concepts as good, right, justice, freedom, responsibility, etc., about the problem and to assign to them a definite function in an ethical situation.

The ethics of the problem may be contrasted with the ethics of metaphysics. Kant's *Metaphysics of Ethics* was erected primarily in the interests of a metaphysical ethics. The ethics of metaphysics is an ethics of abstractions, i.e., the meanings of moral concepts generated out of concrete social situations are isolated from the situations in which they appear and are given an independence of their own. Such a process is represented by "The Goodness of Good," the "Rightness of Right," etc. The ethics of the problem, on the other hand, is the ethics of specific situations. The interest is that of finding a definite good and an actual right in a given situation.

In a stimulating article[1] Professor Mead has pointed out the relation of the different branches of philosophy to the problem. A résumé of his excellent analysis is here given not only for the purpose of getting our bearings but also of showing the inadequacy of any stage other than the ethical for meeting moral requirements.

A problem is presented when a conflict in experience demands adjustment of the situation in which the conflict

[1] "Some Suggestions for a Philosophic Discipline," *Phil. Rev.*, 1900.

appears. Logic represents the method by means of which the conflict is mediated and the problem solved. It stands for the whole process of solution from the point where the conflict arises to the point of adjustment. Psychology comes in where the problem arises, i.e., where the self is thrown back upon itself because of obstructed activity. Self is therefore set over against the object and becomes conscious of itself as such, i.e., as something other than the object. Psychology, then, represents the point where consciousness appears.

Thought is functional and aims at an effective solution of the problem that activity may continue. In the process of devising a means for solution it is quite possible that thought forget the immediate problem and fly off on a tangent, so to speak. Here we get metaphysics. It is the abstracting of some elements of a problem from the situational complex and setting them up as entities, i.e., taking them out of the concrete situation that alone gives them meaning and attributing to them an existence apart from this situation. When such a process continues to the point that it is impossible for thought to bring its products back into experience, a problem is set up to which no solution can be found because such a solution would necessarily transcend experience.

If, however, thought continues in its logical rôle, some kind of activity is demanded. Thinking thus has a reference to future conduct, viz., that type of conduct that will perfect the necessary adjustment. So long as we consider the mere *how* of adjustment our problem is primarily a logical one. It is when we begin to ask the question as to the kind of adjustment that should be made, i.e., when we begin to consider the *how ought* of adjustment, that the problem begins to take on ethical aspects. Ethics goes beyond logic. It not only seeks an adjustment but it seeks the best possible adjustment that skilled judgment[1] is able to offer with reference to a given situation.

[1] The statement is qualified by "skilled judgment" because no human intelligence can foresee the best possible results.

Ethics has a forward look while aesthetics has a backward look. When a problem is solved, the individual is then able to assume an aesthetic attitude with reference to it, i.e., he is able to look over his activity with an appreciative attitude toward his own achievement. This is the place for the aesthetic in connection with the problem. To assume the rôle of the aesthetic in the midst of a problem is fatal.[1] It blocks activity and leaves the individual stranded within himself, incapable of operating effectively on objective material. To take this aesthetic attitude in the face of a problem gives rise to dreams and reverie but is equally feeble in its control of conditions of the problem.

It is this misplacement of the aesthetic attitude toward a problem that gives rise to the psychological stage referred to above, viz., the separation of self from its object. The self instead of being projected outward in the object of its activity is thrust inward upon itself. It acts *for self* rather than *as a self*. The activity is therefore abnormal. Professor Dewey has so well stated the results of such activity that the passage is quoted in full:

> Many good words get spoiled when the word self is prefixed to them: Words like pity, confidence, sacrifice, control, love. The reason is not far to seek. The word self infects them with a fixed introversion and isolation. It implies that the act of love or trust or control is turned back upon a self which is already in its full existence and in whose behalf the act operates. Pity fulfils and creates a self when it is directed outward, opening the mind to new contacts and receptions. Pity for self withdraws the mind back into itself, rendering its subject unable to learn from the buffetings of fortune. Sacrifice may enlarge a self by bringing about surrender of acquired possessions to requirements of new growth. Self-sacrifice means a self-maiming which asks for compensatory pay in some later possession or indulgence. Confidence as an out-going act is directness and courage in meeting the facts of life, trusting them to bring instruction and support to a developing self.

[1] There is a sense in which the aesthetic attitude is essential with reference to a problem, viz., that of putting one's self in the situation to gain a sympathetic understanding of the problem.

> Confidence which terminates in the self means a smug complacency that renders a person obtuse to instruction by events. Control means a command of resources that enlarges the self; self-control denotes a self which is contracting, concentrating itself upon its own achievements, hugging them tight, and thereby estopping the growth that comes when the self is generously released; a self-conscious moral athleticism that ends in the disproportionate enlargement of some organ.[1]

The fallacy is due to the conception of self as a ready-made something. Acting for self gives the individual a separate existence; acting as a self recognizes the fact that the individual is in the making, that the self is to be realized in the outcome of the situation. Self is a constant achievement.

We have seen the place of ethics in a problematic situation and are now ready to continue our analysis with reference to various ethical conceptions. Centering our attention around the problem, what is the function of good, right, freedom, responsibility, duty, virtue, justice, happiness, and the ideal as they relate themselves to the problem?

The good is that which is to be created as the result of the problem. It is unique[2] in that it is never identical with itself in any two situations. Each situation has its own complexion that renders it specific. Good is dependent on the conditions of the problem, and if the situation be really problematic, it must be determined in accordance with the demands of the problem. Good is both creative and created. The good resulting from successful copings with problems serves as data for a like coping with the present problem. It is creative in that it aids in the creating of the new good, the good to be realized as the result of the problem. When brought to bear upon the problem as the good that must again be realized regardless of conditions of the problem, it then functions as an end rather than as a means to an end which is as yet unknown. It may thus defeat the good for the problem. The problem

[1] *Human Nature and Conduct*, pp. 138–39.

[2] Cf. Dewey, *Human Nature and Conduct*, pp. 210–23.

has its own good, and when created good functions as hypothesis rather than as data from which the hypothesis is to be drawn, it simply ignores the problem. It assumes a fixed good and fails to recognize that the problem is that of finding out what will be good and going ahead to make it real. The point is well illustrated by the Golden Rule as a universal means to the good. The individual has had an experience which he judges as good. He would now like to do unto another as the other has done by him. But the conditions of the problem are such that he is not able to reproduce this good. He may apply the Golden Rule. This, however, does not help him because the situation is such that he honestly does not know what he would want another to do unto him under these conditions. His problem is that of finding out how to apply the Golden Rule here. It may serve as a tool for analysis, but it does not point directly toward the good. If it did, he would not be involved in a moral situation. If he insists on the good as he originally conceived it, the good of the problem as seen by enlightened judgment may be defeated.

Right is a means to the good, but it does not follow from this that any means to the good is necessarily right. Right is therefore just right, as Professor Tufts[1] says. The writer agrees with Moore that "right is a means to the good," but he also agrees with Tufts that it is "just right."[2] In accepting both positions we are not necessarily involved in a contradiction. It is difficult to see how a judgment of right can be made without reference to some good that is conceived, and it is equally difficult to see how any line of conduct can be judged as right simply because it is an effective means to that good. The former would force judgment to operate in a vacuum while the latter would reduce ethics to mere logical considerations. We would not regard the death of Socrates as right even if he has exerted a greater influence on posterity than he

[1] Cf. essay on "The Moral Life" in *Creative Intelligence*, pp. 382–86.

[2] Cf. G. E. Moore, *Principia Ethica*, pp. 147 f.

otherwise would have done had he not been ordered to drink the poisoned hemlock. Here the right is just right, but it is not detached from the good, viz., that of Socrates' life. Right as just right is a means to the good even if it be a lesser good from the standpoint of quantity. The quality of the good may be sufficient to counterbalance a greater quantity of good. It may be intrinsic as in the case of the life of Socrates. A judgment of right that requires its good to be projected into eternity in order to be judged as such is nonsense and should be checked up by calling a halt in the temporal order that the human perspective may be kept in sight. This is the fallacy of owing all to the future, the indulgence in which war necessarily exacts of us.

Right is just right because good is just good. It is the uniqueness of good that makes right just right in a given situation. The just right of right refers to an immediate judgment of right rather than to an absolute rightness of right. Right is just right not because certain conduct is always right under all conditions and circumstances but because it is right here and now. Thus we believe that men should be free to worship God as they please, but when a religious cult puts a moral sanction on polygamy to justify a beastly practice, we judge it right that the state interfere with such freedom of worship, not because it is right that the state do this on general principle but because it seems just right with reference to mormonism.

If we are to do right for the sake of the good we must be free in our choice of both good and right. "True freedom is intellectual." It consists of knowing how to do things and possessing the means for effective execution of the acts involved in such doing. The free man is he whose habits and resources are such that he is able to meet successfully the problems of life. Resources without moral and intellectual habits for intelligent action render a man as much a slave as do proper moral and intellectual habits for such conduct without adequate resources. The former is a slave to himself, while the latter is a slave to

social and economic conditions. Both must act on the idea of another, and this is Plato's conception of slavery. Freedom is ability to analyze a situation and power to execute the demands of such analysis. It is control of nature, both physical and human, for the control of events.

It follows that if an individual is free with reference to a problem, he is responsible for the outcome of the situation in which the problem arises. Responsibility refers to the part played by the self in a given situation. An individual is responsible when his self is an integral part of a situation, i.e., when it is the determining factor in the outcome of the situation.[1] If the self makes no difference to the situation, the individual cannot very well be held responsible in the matter. His responsibility enters where the kind of self he is able to bring to bear upon the situation is going to make a difference in the outcome of that situation. If a certain type of self is required for the situation and the individual is unable to bring that type of self to bear upon it, he cannot now be held responsible in the matter. His responsibility is located at the point of formation of the habits that check his freedom of action. If, however, he has it in his power to inject the necessary self into the situation and fails so to do, he is responsible in the case. Thus, if a man is struck by lightning the self makes no difference to the situation. It is not a case in which the self figures either one way or the other. If, on the other hand, a patient is about to undergo a delicate operation and the outcome is dependent on the skill of the surgeon, it is obvious that the kind of self he is able to bring to bear on the situation is going to be the determining factor in the situation. A physician who, because of pecuniary interests, refuses consultation when he knows his own information inadequate to a case, may be held responsible for that case. A different self on his part might have made possible the introduction of a more competent self, a self with sufficient knowledge for the case.

[1] The writer is indebted to Professor Mead for this theory of responsibility.

There is a distinction between causation and responsibility. The self does not cause, but may be responsible for a cause. The causes are in the forces operating in nature. Self injects new factors into the situation that make the causes work differently than they would were these factors not introduced. It intervenes in the chains of causation operating in the problematic complex. It modifies the causes so that they act one way rather than another way. Since the judgment of no human being is infallible in the manipulation of causal sequences, ignorance is always a factor in every problem. A reasonable ignorance is excusable, but an unpardonable amount of it ought not to be tolerated as a plea for escape from responsibility. "We are not half hard enough on ignorance" in many instances.

A consciousness of responsibility involves an object of duty. Duty is felt when the individual recognizes a certain kind of self as essential to the situation. If the habits are such as to make the rôle of such a self seem difficult for the individual to assume, he experiences a conflict. The older self, represented by an organization of habits pleasurable in their customary expression, is set in opposition to the self that is conceived as the better self, the one demanded by the situation in which the problem arises. It is this feeling of conflict that gives rise to the *ought* of duty. So to organize the self that the habits are flexible, that new types of response may be perfected as conditions may require, is the place of duty. The former mechanism of response is felt as inadequate for present requirements. Duty calls for a reconstruction of self in the light of the problem. It also calls for a reconstruction of the object, but when the self is felt adequate to such reconstruction, duty as such may not be felt. Self is then able to meet the situation without experiencing the compelling restraint of duty.

The disposition for perfecting a better adjustment of the situation than that required by the demands of the problem is virtue. Virtue is located in the disposition brought to bear on any situation. It is more than duty.[1] Duty is negative

[1] Cf. Sidgwick, *Methods of Ethics*, Book III, chap. xi.

as compared with virtue, which is more positive in character. Figuratively speaking, a man may do his duty if he just keeps out of jail, but we would not regard him as virtuous. We praise virtue, but accept duty as a matter of course. We censure a man for not doing his duty, and it is not until we see the results of failure in the performance of duty that duty is regarded as at all praiseworthy. Virtue presupposes duty, but duty does not necessarily imply virtue. A virtuousness that is not keen and alive to duty possesses no virtue. This is the fallacy of abstract virtues. Dispositions that have produced good results in many instances are set up as something to be cultivated apart from social situations. The ignoring of the problem gives rise to a blindness to duty, and this in turn deprives the disposition so operating of its virtuous character. Loyalty and benevolence apart from intelligence in their exercise are cases in point. Duty is demanded by the setting of the problem, while virtue is ability not only to meet the requirements of duty but ability to meet more than those requirements. If duty cannot be performed unless the nervous system is so organized that it becomes an ally rather than an enemy of the individual, much more must this be true in the case of virtue. Both self and object or either self or object must not only be reconstructed in the light of the problem, but such reconstruction must be perfected to an extent not necessarily demanded by the requirements of the problem if virtue is to be realized.

This principle applies to nations as well as to individuals. A nation that cannot change its customs to meet the demands of reconstruction is not even fulfilling its international obligations, say nothing of assuming a virtuous attitude toward progress. It may have been our duty to promulgate the Monroe Doctrine as the basis for our foreign policy in 1823, but to insist upon its maintenance as a virtue in 1919 shows failure to sense adequately the problem of promoting the peace of the world by means of perfecting an international organization for that purpose. Even duty demands more than the mere negative policy of doing nothing to start a war in this case; it requires active

measures in the positive promotion of peace. Just keeping out of war is not enough to meet the requirements of the peace problem of the world.

A man may do his duty if he does his part in the creating of good in the world. It does not necessarily follow from this that he is virtuous in his relation to the good thus created. Virtue demands a consideration of justice, and justice enters the problem in connection with the distribution of good. Even duty may require a recognition of justice but virtue cannot live without it. It is quite possible to find a solution of the problem that will meet all logical requirements so far as producing good is concerned, but such a solution would not meet ethical requirements unless justice is done the parties concerned. We would not judge it as right unless the hypothesis offered afforded a "fair" distribution of good. Indeed this is the ground on which the present economic order is condemned. We may regard economic goods as good in so far as they minister to the satisfaction of legitimate and wholesome desires of men, and, if labor were willing to accept the dictates of capital, the established order would meet logical requirements from the standpoint of production, but it does not meet ethical requirements from the standpoint of distribution at many points. The appalling amount of discontent and unrest in the world at the present time indicates a growing sense of injustice as the result of the present economic order. This dissatisfaction is not confined to the so-called "bolshevik" elements of society, but has permeated to a large measure the intelligent and better classes of society. This feeling of injustice cannot be due entirely to unfair-mindedness on the part of the people.

The question of fair distribution is not solved by an abstract justice. How is justice to be determined? Is it just to reward all men equally regardless of respective services rendered, or should men be rewarded in proportion to their contribution of values? Should a man be rewarded according

to his ability or according to his efforts? Should we distribute our goods according to needs or according to merit? These are some of the canons of distributive justice. Each case must be weighed on its own merits if justice is to be done, and to talk about "fair distribution" apart from specific problems is merely an indulgence in fine verbiage.

Happiness is found in the creating of good, the doing of right, the achieving of freedom, the accepting of responsibilities, the performing of duty, the perfecting of virtue, the establishing of justice and the determining of the ideal in each and every situation with which an individual is confronted. Happiness is not found at the solution point of the problem, but in the problem itself. It has thus shifted its position and here we differ with the utilitarians. Happiness is not a goal; it is a product of activity. Like pleasure it is an accompaniment of activity rather than the end toward which activity operates. We do not possess happiness, but are making it in and through our activities. Happiness is not an achievement but is a constant achieving. It is not created but is re-created in each specific setting. The pleasure derived from eating a piece of pie is not a possession. It can only be experienced again by eating a similar piece of pie under like conditions. Happiness must be so experienced. Happiness as an end of desire is as much an illusion as wealth, fame, success, power, or any other insatiable desire.

Are all these factors—good, right, freedom, responsibility, duty, virtue, justice and happiness—to be given equal consideration in connection with a problem, or should the emphasis be placed now on this and now on that factor according to the conditions of the problem, or should the emphasis always be placed on good and right or duty and justice as the most important factors in every problematic situation? Obviously each problem requires its own analysis, and good moral judgment consists of knowing where and how and when to stress the various factors involved. It is at this point that the ideal

figures in the problem. The ideal is the adjusting of the various factors in accordance with the conditions and requirements of the problem. The ideal is not a metaphysical entity; it is a hypothesis. It represents ethical judgment after all factors have been carefully considered. The ideal is matured judgment with reference to a problem. A better state of affairs is expected to be realized by executing the ideas for which the ideal stands. The ideal is the best hypothesis in the light of judgment that has been duly weighed. It is the idea that makes the present most significant and gives promise of a more meaningful future.

The ideal man is he who finds happiness in so perfecting a virtuous organization of his nervous mechanism that he is free to do his duty and to accept responsibility for the right promoting of the good that justice may be realized in the situations in which he functions as an agent.

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BOOK REVIEWS

SOCIAL ASPECTS OF INDUSTRIAL PROBLEMS. By Gertrude Williams, Lecturer in Social Studies, Bedford College for Women, University of London. London: P. S. King and Son, 1923. Pp. 260. Price 6*s*. net.

This is a skilful and interesting treatment of "labor" problems with a view to a moral or ethical standard. It is therefore an essay on the economic factors of moral welfare or civilization, and is not the usual repetition of statistical "facts" which contemporary economic science contains. "Social economics," says Mrs. Williams, "takes as its province the application of ethical standards in the construction of a better society." The chapters which immediately follow, however, on the organization of capital and of labor are largely descriptions of economic facts in the traditional manner. The point of view is not that of conventional admiration for industrial civilization, for there is an undercurrent of criticism in the descriptions. Indeed, it is noticeable that the author, who seldom quotes from others, gives as her references in many places the publications of the Labour Research Department and the similar department under the Labour Party and General Council. In regard to unemployment it is boldly asserted that a more equal distribution of wealth would diminish the fluctuations of trade and that this would be morally an advantage. The treatment of economic facts thus becomes subordinate to the science of moral welfare which is usually called ethics, and indeed it is time that students of industry and commerce began to understand that "labor unrest" and programs of reform are based not upon economic but upon ethical principles. The defects of contemporary civilization are moral defects, and therefore such a book as this by Mrs. Williams is an important contribution to our intellectual needs. It is, however, preliminary. Unfortunately those who have studied economics in the old tradition are seldom well trained in ethics. They are not skilful in their analysis of the moral standard and tend to accept without criticism certain conventional ideas of the good of the community. They often lack psychological knowledge which is necessary for estimating character and conduct. Ethics, in fact, is not commonly regarded as an exact science. Anyone feels able to tell a good man from a bad, although most educated men would hesitate to assume that they could tell what

is and what is not economically productive. Of course, ethical philosophers are partly to blame, for they are usually ignorant of the facts of contemporary social life in industry or politics. But obviously we need a much more exact conception of a good act and a good society, before we can usefully apply our moral criterion to the practice of industry.

Mrs. Williams' book makes some contribution to the analysis of moral standards, for example, in regard to the social and industrial position of women. It is said that "the right for which women should strive is neither complete sex specialization, nor complete disregard of sex"; and again "the normal social unit is likely to remain, for some time, the father, the mother, and the young children." But the good life embodied in the monogamic family is not further analyzed or criticized. Even in the last chapter of the book, on "Government and Industry," the tendency is to analyze economic and not ethical facts. But this is, no doubt, due to the lack of definiteness in our contemporary conceptions of moral life. We are familiar with means but not with ends.

C. DELISLE BURNS

THE DANCE OF LIFE. By Havelock Ellis. London: Constable & Co., 1923. Pp. 320. Price, 12*s*. net.

There is a peculiar and persuasive quality in Mr. Havelock Ellis' latest book. "I have never written," he tells us, "but with the thought that the reader, even though he may not know it, is already on my side." After the first shock of surprise at the thesis, in which not only life, but the universe is regarded as a dance, we are carried away by Mr. Ellis' delicate but arbitrary fantasy. Yet is it, after all, arbitrary? The charm of his style is assimilated to the "infinite iridescent aspect of the world," and he disclaims, until he can attain to a correspondingly infinite variety of statements, a position that could in any sense be described as truth. He is the most *ondoyant* and *divers* of writers. Hence it is difficult to represent his position, otherwise than by emphasizing his shining, like the sun, upon the just and unjust, with the complete objectivity which is, according to Bergson, genius.

The first chapter is both subtle and curious, emphasizing that man, waking either individually or collectively, is an artist, and his civilization an art or a complex of arts. A remark of Einstein that "the positive motive which impels men to seek a simplified synoptic view of the world conformable to their own nature," overcoming the world by replacing it with this picture, gives the key to Mr. Ellis' book. Besides the initial chapter on the "Dance" Mr. Ellis includes a valuable and personal paper upon religion and morals.

It has become a commonplace to assume an opposition between mysticism and science, but Mr. Ellis draws the conclusion that science and mysticism are alike based on fundamental natural instincts, appearing spontaneously all over the world, and if (in primitive times) they naturally tend to be embodied in the same individual in such a way that each impulse would seem to be dependent on the other for its full development, there can be no ground for accepting any disharmony between the two. The process of "Conversion" he characteristically describes, as not being, as is generally assumed, a turning toward belief but, more strictly, a *turning round*, a revolution and readjustment of psychic elements to one another enabling the whole machine to work harmoniously.

In the essay on the art of morals he is sensitively aware of the sterility of abstract moral speculation culminating in rigid maxims, which move in the sphere of reason, but not of vital action. If the moral world is to be governed by law, better to people it with automatic machines than with living men and women. As Jules de Gaultier holds, "art is in a certain sense the only morality which life admits." In so far as it can be infused with the spirit and method of art, morality is transformed into something beyond morality, and becomes the complete embodiment of the Dance of Life.

M. J.

WAR: ITS NATURE, CAUSE, AND CURE. By G. Lowes Dickinson. London: George Allen & Unwin, Ltd., 1923. Pp. 155. Price, 3*s*. 6*d*. net.

Those who are interested in international affairs should read all that comes from the pen of Mr. Lowes Dickinson. They should do so, not only because he is perhaps the best of living essayists, but because no one else who writes on international problems thinks out so carefully and so clearly exactly what he wants to say, and says it with such lucidity and such courage. Mr. Lowes Dickinson thinks right through to the bottom of the difficult topics with which he deals, reduces them to their simplest terms, and in language that cannot be misunderstood, states the conclusions which result from his honest and searching reflection. Anyone who does this for the problems of international affairs renders an essential service to his fellow-men. On no subject that affects vitally the welfare of every political community in the world has there been so much loose thought and vague talk as there has been about the relations of one nation with another, and particularly about that relation which is known as war. Mr. Lowes Dickinson goes straight to the root of the matter, sweeps away the shibboleths that are current by direct questions to which an

answer "yes" or "no" must be given, and reduces to its true terms the whole problem of war.

His thesis is that the problem of war is the greatest issue that faces humanity at the present time; that in the past war has been caused by the desire of nations to control the territory of other nations, in the mistaken belief that power or profit so acquired would add to the well-being of their own people; and that it can only be prevented for the future if this conception is abandoned and a conception of international co-operation for the common promotion of common interests accepted in its place.

It is impossible that in handling with frankness, perhaps even with brutal frankness, such a theme as this, Mr. Lowes Dickinson should not say much that to some of his readers, at first sight, may seem provocative. But we doubt if any of them will not be disarmed by his engaging Preface and by his closing words: "I ask you to put aside any irritation you may feel with me, and concentrate your thoughts on the tremendous question." The "tremendous question" is whether we are for war or against it. This to Mr. Lowes Dickinson is the only issue that really matters, and only when we have settled our answer shall we have, he urges, the clue to all the detailed policies in international affairs that we ought to pursue.

P. J. BAKER

LONDON, ENGLAND

PROSPECTS OF INDUSTRIAL CIVILISATION. By Bertrand Russell. London: G. Allen & Unwin, Ltd., 1923. Pp. 283. Price, 7*s*. 6*d*. net.

Mr. Russell's latest book is exceedingly stimulating reading, if it may be said to be stimulating exercise to kick against the pricks. He projects upon the page the strange and ominous outline of modern industrialism which has, as he suggests, an analogy with the Calvinist's outlook in religion. The mechanistic outlook, particularly as it exists among the great capitalists, is (he finds) almost indistinguishable from Calvinism, when the machine is substituted for God, the efficiency of the machine in place of the glory of God, the rich and the poor in place of the saved and the damned and inheritance in place of predestination. Calvinism is a forbidding belief, and equally forbidding is the mechanistic outlook.

Accepting the necessity of industrial civilization, this book lays valuable emphasis upon the solidarity of world-industrial civilization—the fact that the whole group of countries that have founded their civilization upon this base must stand and fall together. Hence the international mind is the most urgent need today, for if there is no vision, the people perish. If we continue to fight "great wars," civilization will perish.

Civilization may also founder if the class war is insisted on, for such a war would shatter the world to pieces. The book is the result, to a great extent, of the impression of bolshevist Russia upon Mr. Russell's mind, followed by the calm of China, a country which taught him to regard "progress" and "efficiency" as the great misfortunes of the Western world. To the less alien continent of America he is less than fair when he assumes that, in a thoroughly industrialized community such as the United States, there is little appreciable difference between one person and another! There is much to be said for the establishment of great land-empires, America, Russia, and perhaps China, which will be impotent for attack and in defense invulnerable, but there are so many *ifs* in the argument that we cannot be so confident of the result as Mr. Russell. It is provocative to read that patriotism in its common form "is the worst vice of which a modern man can be guilty," and that nations today are living on blood money—"payment enacted by the threat of Death. Therefore the most prudent Nation is the nation which is in the best position to levy blackmail."

Some of Mr. Russell's long shots are wide of the mark; the previsions of an intellectual remote from affairs. He appears to believe that in England and America the workers, who from long practice have come to understand the industries in which they are employed, would be able to manage them for themselves; and also assumes that if war, armaments, advertisements, and commercial competition were abolished, "We could all subsist very comfortably on four hours' work a day." Is the present decay of religion to be ascribed simply to the independence of the industrial wage-earners of the weather, while people whose manner of life is more primitive, such as the Breton sailors, are still Catholic? "People who depend upon the weather," Mr. Russell adds, "are always apt to be religious." What makes the book extremely readable is Mr. Russell's vigorous clarity, his efficiency in phrase-making.

M. J.

London, England

SHORTER NOTICES

Le Problème de la Vérité dans la Philosophie de Spinoza. By Rafael Lévêque. No. 17, Publications of the University of Strassburg. Oxford University Press, 1923. Pp. 155. Price, 7 fr., 50 c.

This is a study for the Diploma of the University of Strassburg. It is set out in short sections with headings of an almost journalistic character; but it is a serious contribution to commentary upon Spinoza. The main point is that there is for Spinoza no unknowable and no limit to human reasoning. Truth is reached directly by the process of thinking, and this turns out to be part of life of God; for we are ourselves, in a sense, God. The play upon the various

meanings of the word "idea" makes the statement difficult to criticize; for the author seems to assume that the idea of a thing is not the thing, but he does not clearly show what else it can possibly be. The moral problem in Spinoza is not dealt with, but of course, Spinoza's overwhelming interest in the moral life is recognized and explained by the author.

C. D. B.

A HISTORY OF HINDU POLITICAL THEORIES, FROM THE EARLIEST TIMES TO THE END OF THE FIRST QUARTER OF THE SEVENTEENTH CENTURY A.D. By V. Ghoshal, M.A., Ph.D. Humphrey Milford: Oxford University Press, 1923.

The study of political theory in India received a great stimulus a few years ago when the ancient work on the art of government was discovered, which is attributed to Kantilya, minister of the Chandragupta who expelled the Greeks from India. This *Arthaçastra* has been described as "perhaps the most precious work in the whole of Sanskrit literature," Dr. Ghoshal has analyzed the work, and has given an account of the extensive literature that deals both with the art of government and with political theory. He shows how this subject, usually ignored by Western scholars, forms an important part of Indian thought. His work is excellently written, and is a model of clear and sober judgment.

E. J. T.

PROCEEDINGS OF THE ARISTOTELIAN SOCIETY. Vol. XXIII. Papers read in Session 1922–23. London: Williams and Norgate, 1923. Pp. 289. Price, 25*s*. net.

ARISTOTELIAN SOCIETY. Supplementary Volume III. RELATIVITY, LOGIC AND MYSTICISM. Papers read in joint session at Durham, July, 1923. London: Williams and Norgate, 1923. Pp. 184. Price, 15*s*. net.

These two volumes contain the Papers of the Aristotelian Society for the last academic year. The Proceedings include a notice of the work of the late Mr. Bosanquet and a list of his papers read before the Society. The presidential address is by Professor A. N. Whitehead on "Uniformity and Contingency." It is a study of some omissions in the philosophy of Hume and of Bertrand Russell. There are two methodological papers, one on "Existence" by Professor Hoernlé and one on the meaning of "Unconscious" by Professor Broad. Criticism is represented by Professor L. J. Russell's paper on Leibniz; and new ground is broken by Rev. L. J. Walker's paper on "Matter" and Mr. E. S. Russell's paper on "Psychobiology." Moral problems are treated by Mr. C. E. M. Joad and Mr. M. Ginsberg, on "Free Will" and "Purpose."

The volume entitled "Relativity, Logic and Mysticism" is as unsystematic as its title implies. There are items for every taste. Relativity has to come in because everyone has heard of it, but it is doubtful whether many philosophers know what mathematicians mean by it. Biological categories are discussed; and there is a rather acid discussion of universals by Mr. G. E. Moore and Professor Stout. The two last sections of the book deal with the New Idealism, which is taken to mean the philosophy of Croce and Gentile. They are accused of solipsism by some of the disputants, and others say that neo-Idealists cannot logically accept mysticism. The obscurity of nearly all the terms in the discussion leaves it open to Dean Inge to conclude with the breezy assertion, after quoting Croce, "A certain amount of petulance is pardonable in face of such nonsense as this." No problems of moral theory or of social philosophy are dealt with in this volume. The two volumes together are significant of the present state of the philosophical sciences. There is no "teamwork," such as is

producing important results in the physical and historical sciences. There are too many gospels; and the temptation to catch at passing fashions trip up too many philosophers. Naturally in the discussion between philosophers their points of difference are more obvious than the assumptions which both parties accept; and the Aristotelian volumes show very well the sort of work which individuals have been doing. But there is more contingency than uniformity in these two books. They will perhaps be all the more valuable to students of contemporary tendencies.

C. D. B.

THE DEVELOPMENT OF BERKELEY'S PHILOSOPHY. By G. A. Johnston, M.A. D. Phil., Sometime Lecturer in Moral Philosophy in the Universities of St. Andrews and Glasgow. London: Macmillan & Co., 1923. Pp. 400, Index. Price, 8*s.* 6*d.*

This is a valuable historical study, clearly written and candidly expressed. The evidence for Berkeley's views is put forward simply, but it is even more interesting to find a due acknowledgment of the work of Berkeley's contemporaries to whom the chance of fame has not been so kind. An Appendix deals with Collier and another Appendix deals with John Sargeant, both of whom anticipated some of Berkeley's arguments. The treatment of Berkeley's own theories is critical. Thus, for example, the problem of "idealism" is stated, namely, if the mind makes a difference to its object, how can the same object be perceived by more than one mind? Dr. Johnstone remarks that to this question "Berkeley's answer is thoroughly unsatisfactory." Indeed to call in God or an Absolute to save you from the difficulties of your hypothesis should be regarded as a confession of a defect in the hypothesis; but philosophers seldom are willing to go back upon their first false step. To try again perhaps savors too much of "mere" science. The study of Berkeley indeed shows in its clearest and simplest form the character of the error which left philosophy for a century wandering in the mist of "ideas," "notions," "spirit," and infinite mind; but it is doubtful whether any student can understand the real philosophical problem unless he has actually in his own thinking passed through the stage which is characteristic of Berkeley.

C. D. B.

A HISTORY OF INDIAN PHILOSOPHY. By Surendranath Dasgupta, M.A., Ph.D., Vol. I. Cambridge: The University Press, 1922. Pp. xvi+528. Price, £2.

The study of the history of Indian culture in Europe has been a continuous struggle for more light. Again and again conclusions have been reached that have had to be abandoned. But Indian philosophy was fortunate in having as its first expounder H. T. Colebrooke, one of the earliest but at the same time one of the ablest of the Indianists. His work, however, was confined to the six orthodox systems, and to these only in their classical form. It is only gradually that the means have been made accessible to the West for studying the continuous history of the thought of some 3,000 years, from the Vedic culture as crystallized in the Upanishads, and developed in the orthodox and unorthodox systems derived directly from these either as true heirs or in conscious opposition.

Dr. Dasgupta's work is the first comprehensive treatment of the subject as a whole. He has the advantage of being able to embrace the point of view of Western scholarship with a masterly knowledge at first hand of the Indian treatises. Thus he is not hampered by the prejudices and guesses due to a half-knowledge of the texts, but approaches his work with an insight into Hindu

thought that only a Hindu can possess. The beginnings of philosophical and cosmological speculation are indeed a problem for the Hindu as well as for the Western scholar. The Upanishad thought, says Hillebrandt, is to be placed in the region of a primitive folk psychology, not at the side of Kant or Schopenhauer. This is not surprising when we reflect that it had developed its fundamental speculations before Thales had stepped out of the fossilized mythology of the sixth century. But there are no cataclysmal revolutions of thought, and we can trace from this period the lines of speculation of the various schools. The authoritative works of these schools—the Sutras—are centuries later than the Upanishads. It is here where the author has specially shown his competence as historian, as well as his philosophical acumen. There has, for example, been much dispute about the earlier forms of the Samkhya philosophy. Evidently what is wanted here is a knowledge of all the early works that make any reference to it. We do not expect the philosopher to read works on medicine or grammatical commentaries. But this is what Dr. Dasgupta has done, and he has been the first to point out important historical evidence for several systems in the medical work known as *Caraka*, and in the great commentary of Patanjali on Pānini's grammar. Besides this he has used the later philosophical works and commentaries down to modern times. This thoroughness increases our confidence in his judgment when he comes to discuss the evolution of the philosophical principles. His conclusions are based directly on the evidence and on what he knows to be historically possible. The same sobriety and respect for facts is shown in his treatment of Vedanta. In the West this system (really a group of schools) is often supposed to mean merely Sankara's treatment of it, and this treatment is even supposed to be typical of Indian philosophy as a whole. And yet the charge is made by the Hindus themselves that Sankara was a crypto-Buddhist. This charge Dr. Dasgupta shows is largely justified. The chief principle in which his teaching differs from that of other Vedantic schools was drawn from the Buddhists. Buddhist philosophy is very fully treated. Before now we have had the exposition of the later schools, which the discoverers thought represented primitive Buddhism, and then Pali Buddhism came to the front and threw the other into the shade. The author puts them into their right relations. The earlier Pali Buddhism never developed much philosophy, indeed it was not primarily a philosophy, and as the author points out, it never influenced the main course of Indian thoughts. It was the later development that came into conflict with the orthodox schools and had such an influence on Sankara. The author has wisely refrained from putting any pressure on Indian thoughts to make them appear as European, and has tried to choose words which have not been made dangerous by the acquirement of technical senses. At the same time he has added the original Sanskrit terms, so that his interpretation can be tested at every step. This invites a serious effort of thought on the part of the Western reader, but it is inevitable, if he does not wish to be put off with a hollow substitute adapted to mental indolence.

In one respect the author has modified his practice when he comes to deal with the Samkhya and Nyaya physics. Here he follows Dr. B. N. Seal's terminology. Dr. Seal has no doubt thrown much light on this subject, but we should have preferred to have the author's own method of stating the necessarily crude physics in all their crudeness. But crudeness is a relative term; the atomic theory was certainly much closer to modern science than anything in Leucippus or Aristotle. This is, however, a subsidiary matter. The fact that physics is included at all illustrates the difficulty of early philosophy in freeing itself from matters that are really beyond its province. Owing to the continuity of Indian thought we have in the present volume an account of its philosophy in its full development down to modern times. It covers in fact all that is

usually thought to constitute Indian Philosophy. But there are still other important schools and movements that the author intends to treat in a second volume. One of these is particularly important as being the chief Indian exponent of a monistic system aiming to solve the problem of plurality. This is Ramanuja's Vedanta. The Samkhya was pluralistic enough. Each of its infinite number of souls is eternal, and reaches salvation by recognizing its distinctness from the ever evolving and dissolving world of matter. In its pluralism it appealed to experience, and Sankara could only explain the plurality by calling it illusion, that is, by denying it. A system that denies experience appears to be near to bankruptcy. But Ramanuja sought to satisfy the monistic impulse as well as to account for plurality. How far he was able to do this is one of the subjects that we look forward to seeing discussed in the author's second volume.

E. J. THOMAS

CAMBRIDGE, ENGLAND

LAW AND FREEDOM IN THE SCHOOL. By George A. Coe. Chicago: The University of Chicago Press, 1924. Pp. ix+129.

This is a penetrating study of the theory of the project method of teaching. In our emphasis upon education as self-expression—unquestionably the correct emphasis—the author feels that we have unduly slighted the fact that all the failures and wrongs of history are themselves "natural expressions of men in natural environments, all are phases of the project in developed form." "Nature, as well as the conventions and customs of society, often urge us into disastrous projects, sometimes miseducating us and leaving us incapable of re-education." This means that we must have projects *anti* as well as *pro*. Otherwise the characteristic over-readiness of the human organism for action leaves it unprepared for, because unwarned of, the environing conditions of failure.

Free purposes, which furnish the raw material for all education, must not, therefore, be interpreted as antithetical to law. The conditions from which free purposes arise and in which the will must function even when experimenting, constitute the varied content for the concept law—natural law (the "cans and cannots"), common and statute law (the "musts and must nots"), and moral law (the "oughts and ought nots"). Precisely how these conditions may be made to function for maximum guidance and yet produce minimum inhibition is the central inquiry of this very stimulating book.

It is apparent that we are facing here again the oldest problem of ethics. The freshness of this most recent treatment arises from the author's making the ethical problem the heart of the project method in education and of the experimental attitude toward life. Its balance is shown by the nearness with which the school is kept to society throughout the treatment. The problem of reconciling freedom and order in the school is greatly intensified by having law for this dynamic situation furnished by a static society. If the potentialities of the project method in school could be actualized, society for which the school trains would itself become far more friendly to controlled experimentation. It is precisely because childhood has so much to contribute to a grown-up and habituated society that the project method in teaching must be furnished the most favorable environment that accumulated experience can offer. The constantly needed reconstruction of society, especially of economic activity, can turn to no other source for hope than to the ethical insight that flows from the ordered freedom of the young.

T. V. SMITH

BUSINESS FLUCTUATIONS AND THE AMERICAN LABOR MOVEMENT: 1915–1922. By V. W. Lanfear. Columbia Studies in History, Economics and Public Law, Vol. CX, No. 2. New York: Columbia University, 1924. Pp. 129.

This doctoral dissertation seeks to show "how changes in wages, prices, employment, labor mobility, labor absenteeism, etc., during the years 1915–22 tended to emphasize the effect of business prosperity on the attitude of organized wage-earners." From substantial, though incomplete, statistical data, the author is able to indicate that "the efforts of the wage-earners are more successful during periods of prosperity when prices are rising than during periods of falling prices when they are acting on the defensive." During the prosperity that marked the years 1915–20, the wage-earners were nerved by their bettering fortune to gain unusual concessions. They were put on the defensive, however, by the business depression that followed; but the taste of prosperity made them fight more tenaciously to retain what they had held for so short a time. The present suspicious attitude of the courts, the lethargy of public opinion, the antipathy of big business men toward the aims and needs of organized labor are likely to pass with the return to normal business conditions. General welfare demands that it should pass, for labor has not on the whole been unreasonable in its demands.

T. V. SMITH

TO THE MEMBERS OF THE AMERICAN PHILOSOPHICAL ASSOCIATION

In their appeal for the aid of Austrian scholars, the Commission on Intellectual Co-operation of the League of Nations (Professor Bergson, chairman) declared:

> No greater damage can threaten a civilization than the successive destruction of its homes of learning. It is beyond dispute that the war and its economic consequences have brought intellectual life in one entire region of Europe into an extremely precarious position. . . . .
>
> In coming to the assistance of Austria and of other nations whose intellectual life is in danger, you will be strengthening that sense of professional brotherhood which should unite all brain-workers, you will be taking effective and practical action to promote intellectual co-operation, and above all, you will be helping to support civilization in the struggle against the most serious peril which threatens it.

That this need is still urgent in Germany and throughout Central Europe is emphasized in the Commission's report to the League of Nations in September, 1923.

At the annual meeting in 1922, both divisions of the American Philosophical Association voted to aid German and Austrian philosophy. Inquiry has shown that the most effective way in which we can do so is to send recent American philosophical publications which, owing to the impoverished condition and the unfavorable rate of exchange, are not otherwise procurable in Central Europe. For this purpose, we appeal for further gifts of money, books, or current philosophical periodicals, which will be forwarded free of charge to the *Notgemeinschaften* of Germany and Austria. Books may be sent and checks drawn to the order of Professor Morris R. Cohen, College of the City of New York.

For the Committee on International Co-operation,

A. C. ARMSTRONG
MORRIS R. COHEN

TO THE MEMBERS OF THE AMERICAN PHILOSOPHICAL ASSOCIATION

At the annual meeting of the Eastern Division, December, 1923, a request was presented for aid for the libraries of Japan devastated by the earthquake of September last. The Division welcomed the proposal and voted assistance in so far as the balance in the treasury might permit. The direction of the fund was intrusted to the Committee on International Co-operation (with the undersigned a subcommittee in immediate charge). Unfortunately, a careful examination by the treasurer has disclosed the fact that at present there are no resources available for the purpose. In anticipation of such a contingency, the suggestion had been made during the discussion that the committee might undertake the collection of money and books from individual contributors. We appeal, therefore, to the members of the Division to send in whatever donations they may find themselves in a position to make. The need is great. Entire libraries were destroyed by the earthquake and the fires which followed the shock. There is a deplorable lack of books of reference and for collateral reading; even textbooks are wanting, so that whole classes are without the necessary basis for their daily work. Thus, almost any book which a member can spare from his private library will be of value.

Arrangements are making for the free transport of books from New York to Japan. It is also expected that routine expenses will for the most part be met by private subscription. This will make it possible to apply whatever funds may be contributed directly to the purchase of representative works by American scholars. It will further aid if members can see their way clear to donate copies of their own works.

Contributions of money or books (packages marked, For Japan) may be sent to Professor Morris R. Cohen, College of the City of New York, St. Nicholas Terrace and 139th Street, New York City. Checks should be drawn to Professor Cohen's order.

For the Committee,

A. C. ARMSTRONG
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